

ROANOKE CITY COUNCIL REGULAR SESSION

JUNE 16, 2003 2:00 P.M.

CITY COUNCIL CHAMBER

AGENDA

1. Call to Order--Roll Call.

The Invocation will be delivered by The Reverend Timothy A. Wright, Associate Pastor, Evangel Foursquare Church.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, June 19, 2003, at 7:00 p.m., and Saturday, June 21, 2003, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE NOW PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT <u>WWW.ROANOKEGOV.COM</u>, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM TO OBTAIN AN APPLICATION.

2. PRESENTATIONS AND ACKNOWLEDGMENTS:

A RESOLUTION paying tribute to Willard N. Claytor, Director of Real Estate | R 13 Valuation for the City of Roanoke, and expressing the appreciation of the City of Roanoke and its citizens for his exemplary public service.

3. CONSENT AGENDA

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

C-1Minutes of the special meeting of Council held on Thursday, May 1, 2003, and the regular meeting held on Monday, May 5, 2003, and recessed until Wednesday, May 7, 2003.

RECOMMENDED ACTION: Dispense with the reading of the minutes, and approve as recorded.

C-2 A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities. boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

P 16

RECOMMENDED ACTION: Concur in the request.

C-3 A communication from Beverly T. Fitzpatrick, Jr., tendering his P 17 resignation as a Commissioner of the City of Roanoke Redevelopment and Housing Authority, effective May 19, 2003.

RECOMMENDED ACTION: Receive and file communication and accept the resignation.

C-4 A communication from the City Clerk advising of the resignation of F. B. Webster Day as a member of the Youth Services Citizen Board, effective immediately.

P 18

RECOMMENDED ACTION: Receive and file communication and accept the resignation.

REGULAR AGENDA

- 4. PUBLIC HEARINGS: NONE.
- 5. PETITIONS AND COMMUNICATIONS: NONE.
- 6. REPORTS OF OFFICERS:
 - a. CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

Transfer of funds from completed capital projects into certain recommended accounts.
 (Joint recommendation of the City Manager and Director of Finance.)

P 19; B/O 24

 Appropriation of funds in connection with internal services fund budgetary adjustments.
 (Joint recommendation of the City Manager and Director of Finance.)

P 27; B/O 29

3. Adjustment of the Enhanced 911 Emergency Telephone System effective date.

P 31; O 33

4. Revision to the City Code to meet operational challenges and to provide for more efficient management of the City Market.

P 35; O 48

Execution of documents to petition the State Soil and Water P 54: 5. Conservation Board for membership in the Blue Ridge Soil and Water Conservation District.

R 56

6. Acceptance, appropriation and transfer of 2003-04 Community Development Block Grant, HOME Investment Partnerships Program and Emergency Shelter Grant Program Entitlement funds.

P 58; B/O 62; R 66

Transfer of grant match funds in connection with grant writing 7. services by Randall Funding and Development, Inc.

P 67: B/O 69

8. Amendment to the City Code to establish procedures for registration of mopeds.

P 70; O 72

9. Appropriation and transfer of funds in connection with the Comprehensive Services Act Supplemental Allocation.

P 81: B/O 83

10. Transfer of funds in connection with the 2003 Virginia Municipal League Conference to be hosted by the City of Roanoke on October 19 - 21, 2003.

P 84: B/O 86

11. Acceptance of a grant and appropriation of funds for implementation of the Urban Forestry Plan.

P 88: B/O 95: R 96

12. Acceptance of the Summer Food Program grant and appropriation/transfer of funds. P 97; B/O 99; B/O 101; R 103

> P 104: B/O 107

Transfer of funds in connection with personal services lapse. (Joint recommendation of the City Manager and Director of Finance.)

> P 111; R 113;

Execution of separate amendments to the three-year Bridge Inspection Program for consulting services with Hayes, Seay, Mattern and Mattern, Inc., and Mattern and Craig, Inc.

R 114

13.

14.

15. Revision of the City Code to require pump station maintenance agreements in connection with sewer extensions.

P 115; O 117

16. Appropriation of funds in connection with 2003 Hazardous Waste Collection Day.

P 120: B/O 122

b. **CITY ATTORNEY:**

Annual recodification of the City Code to incorporate Code P 124: 1. amendments made by the General Assembly at the previous 0 126 Session to State statutes that are incorporated by reference in the City Code.

7. **REPORTS OF COMMITTEES:**

Request of the Roanoke City School Board to close-out 52 school a. grants, in the amount of \$14,449,240.24; and a report of the Director of Finance recommending that Council concur in the request.

P 128

b. Request of the Roanoke City School Board to appropriate funds to various accounts; and a report of the Director of Finance recommending that Council concur in the request.

P 132; B/O 135; B/O 136

8. UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF 9. ORDINANCES AND RESOLUTIONS: NONE.

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- Inquiries and/or comments by the Mayor, Vice-Mayor and Members of a. City Council.
- b. Vacancies certain Council-Appointed authorities, boards. commissions and committees.

11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

12. CITY MANAGER COMMENTS:

CERTIFICATION OF CLOSED MEETING.

THE COUNCIL MEETING WILL BE DECLARED IN RECESS UNTIL 7:00 P.M., IN THE CITY COUNCIL CHAMBER.



ROANOKE CITY COUNCIL REGULAR SESSION

JUNE 16, 2003 7:00 P.M.

CITY COUNCIL CHAMBER

AGENDA

Call to Order -- Roll Call.

The Invocation will be delivered by Mayor Ralph K. Smith.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Smith.

Welcome. Mayor Smith.

NOTICE:

The Council meeting will be televised live by RVTV Channel 3 to be replayed on Thursday, June 19, 2003, at 7:00 p.m., and Saturday, June 21, 2003, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

PUBLIC HEARINGS:

Request of First Church of God that a tract of land located at 5008 1. Hildebrand Road, N. W., identified as Official Tax No. 2201401, be rezoned from RS-3, Residential Single-family District, to C-1, Office District, subject to certain conditions proffered by the petitioner. Maryellen F. Goodlatte, Attorney.

P 138; O 150

Request of VHF, LLC, that a tract of land located at 1736 Grandin Road, 2. S. W., Official Tax No. 1440705, be rezoned from RM-2, Residential Multi-family, Medium Density District, to CN, Neighborhood Commercial District, subject to certain conditions proffered by the petitioner. Stephen W. Lemon, Attorney.

B/O 169

Request of Patricia C. Clower and Tammy Tester to amend Proffered 3. Conditions set forth in Ordinance No. 29201-072588, in connection with a tract of land located on Fugate Road, N. E., identified as Official Tax No. 3101215. Patricia C. Clower and Tammy Tester, Spokespersons.

P 171: O 183

Request of the Blue Ridge Small Business Development Center, Inc., 4. d/b/a the New Century Venture Center, for exemption from local real estate taxation of real property located at 1354 Eighth Street, S. W. Lisa C. Ison, President, The New Century Venture Center.

P 185; O 199

Request of the Presbyterian Community Center, Inc., and PCC Land 5. Company, LLC, for exemption from local real estate taxation of certain real and personal property located at 1228 Jamison Avenue, S. E. Bruce Stockburger, Attorney.

P 202; 0 211

Request to amend <u>Vision 2001-2020</u> to include the Hurt Park/Mountain | P 215: 6. View/West End Neighborhood Plan. R. Brian Townsend, Agent, City Planning Commission.

O 269

7. Proposal of the City of Roanoke to convey 0.017 acre of City-owned property and a revocable license permitting encroachment of a retaining wall, sidewalk and canopy, with all necessary appurtenances thereto, encroaching approximately 0.063 acre into the public right-of-way of Hamilton Terrace, S. E., to Carilion Health Systems, in connection with construction and development of a pedestrian bridge. Darlene L. Burcham, City Manager.

P 271; O 276; O 278

8. Consideration of previously received applications for Federal funds made available through the Transportation Equity Act for the 21st Century (TEA-21) for transportation enhancement projects in FY 2003-04. Darlene L. Burcham, City Manager.

P 281; R 289; R 291; R 293; R 295

9. Proposed adoption of a resolution authorizing the City to contract a debt and issue general obligation public improvement bonds of the City (and in anticipation of the issuance thereof general obligation public improvement bond anticipation notes of the City), in the amount of \$52,300,000.00, for the purpose of providing funds to pay the costs of acquisition, construction, reconstruction, improvement, extension, enlargement and equipping of various public improvement projects of and for City purposes. Darlene L. Burcham, City Manager; and Jesse A. Hall, Director of Finance.

P 298; B/O 301; R 302

B. OTHER BUSINESS:

1. (a) Petition for appeal of a decision of the Architectural Review Board, filed by Roland H. Macher, President, Macher Properties, with regard to property located at 518 Mountain Avenue, S. W. Roland H. Macher, Spokesperson.

P 303

(b) Recommendation of the Architectural Review Board that Council affirm its decision to deny issuance of a Certificate of Appropriateness, in connection with the abovereferenced property. Robert N. Richert, Chair, Architectural Review Board; and R. Brian Townsend, Director, Planning, Building and Development, Spokespersons.

P 312

Petition for appeal of a decision of the Architectural Review P 330 2. (a) Board, filed by Dana A. Walker, General Manager, H & W Properties, LLC, with regard to property located at 702 Marshall Avenue, S. W. John R. Patterson, Attorney.

Recommendation of the Architectural Review Board that Council (b) affirm its decision to deny issuance of a Certificate of Appropriateness in connection with the abovereferenced property. Robert N. Richert, Chair, Architectural Review Board; and R. Brian Townsend, Director, Planning, Building and Development, Spokespersons.

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HEARING OF CITIZENS UPON PUBLIC MATTERS: C.

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

MOTION AND CERTIFICATION WITH RESPECT TO CLOSED MEETING

FORM OF MOTION:

I move, with respect to any Closed Meeting just concluded, that each member of City Council in attendance certify to the best of his or her knowledge that (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by the members of Council in attendance.

PLEASE NOTE:

- 1. The forgoing motion shall be made in open session at the conclusion of each Closed Meeting.
- 2. Roll call vote included in Council's minutes is required.
- 3. Any member who believes there was a departure from the requirements of subdivisions (1) and (2) of the motion shall state <u>prior to the vote</u> the substance of the departure that, in his or her judgement, has taken place. The statement shall be recorded in the minutes of City Council.

Just

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION paying tribute to Willard Nathan Claytor, Director of Real Estate Valuation for the City of Roanoke, and expressing to him the appreciation of this City and its people for his exemplary public service.

WHEREAS, Mr. Claytor has announced his retirement as Director of Real Estate Valuation effective August 1, 2003, after 19 years of service with the City;

WHEREAS, Mr. Claytor graduated with a bachelor's degree in business administration from Central State University in Xenia, Ohio and earned a master's degree in business administration from Lynchburg College School of Business;

WHEREAS, Mr. Claytor joined the U.S. Air Force in 1969 and was honorably discharged in 1975;

WHEREAS, Mr. Claytor first came to work for the City in January 1976 and served as a Real Estate Appraiser for the Real Estate Valuation Department until 1979;

WHEREAS, in Mr. Claytor was promoted to Deputy Director of the Real Estate Valuation Department and served in that position from 1979 to 1983;

WHEREAS, in May 1983, Mr. Claytor left the City to accept a position as Real Estate Assessor for the City of Charlottesville, and Mr. Claytor became a licensed real estate broker in July 1987 and worked in that capacity until March 1992;

WHEREAS, Mr. Claytor returned to the City in March 1992 as the Director of Real Estate Valuation and has served in that position for over eleven years;

WHEREAS, Mr. Claytor was instrumental in replacing the City's old CARAT system

with Proval, the new Computerized Mass Appraisal System, and had the foresight to instruct

staff to take digital photos of the City's 35,000 improved structures, organize the real estate data,

and attach all to the GIS system for the City's website; and

WHEREAS, Mr. Claytor has served as a member of the Roanoke City Planning

Commission and the City Community Relations Task Force, and is currently a member of the

Roanoke Valley Board of Realtors, Virginia Association of Assessing Officers, serving on the

board of directors from 1998 to 1999; the International Association of Assessing Officers; the

Multiple Listing Association; Sigma Pi Phi Fraternity; and Phi Theta Kappa National Honor

Society.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. City Council adopts this means of recognizing and commending the many years

of service rendered to the City of Roanoke and its people by Willard Nathan Claytor.

2. The City Clerk is directed to transmit an attested copy of this resolution to Mr.

Claytor.

ATTEST:

City Clerk.

Minutes not available for scanning with Agenda.



CITY OF ROANOKE OFFICE OF THE MAYOR

215 CHURCH AVENUE, S.W., ROOM 452 ROANOKE, VIRGINIA 24011-1594 TELEPHONE: (540) 853-2444 FAX: (540) 853-1145

June 16, 2003

The Honorable Vice-Mayor and Members of the Roanoke City Council Roanoke, Virginia

Dear Members of Council:

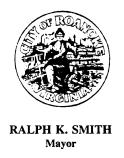
I wish to request a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

Sincerely,

Ralph K. Smith

Mayor

RKS:sm



CITY OF ROANOKE

CITY COUNCIL

215 Church Avenue, S.W.
Noel C. Taylor Municipal Building, Room 456
Roanoke, Virginia 24011-1536
Telephone: (540) 853-2541
Fax: (540) 853-1145

Council Members:
William D. Bestpitch
M. Rupert Cutler
Alfred T. Dowe, Jr.
Beverly T. Fitzpatrick, Jr.
C. Nelson Harris
Linda F. Wyatt

June 12, 2003

The Honorable Mayor and Members of the Roanoke City Council Roanoke, Virginia

Dear Mayor Smith and Members of Council:

This to tender my resignation as a Commissioner of the Roanoke Redevelopment and Housing Authority, effective May 19, 2003.

I appreciate the honor that was afforded to me to serve in this capacity since May 6, 2002.

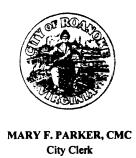
Sincerely,

B. J. J. tz patrick, Jr.

Beverly T. Fitzpatrick, Jr.

Council Member

BTFjr:sm



CITY OF ROANOKE OFFICE OF CITY CLERK

215 Church Avenue, S.W., Room 456 Roanoke, Virginia 24011-1536 Telephone: (540) 853-2541 Fax: (540) 853-1145 E-mail: clerk@ci.roanoke.va.us

STEPHANIE M. MOON Deputy City Clerk

SHEILA N. HARTMAN Assistant City Clerk

June 16, 2003

The Honorable Mayor and Members of the Roanoke City Council Roanoke, Virginia

Dear Mayor Smith and Members of Council:

I am advised that Mr. F. B. Webster Day has submitted his resignation as a member of the Youth Services Citizen Board, effective immediately.

Sincerely,

Mary F. Parker, CMC

City Clerk

MFP:sm



JESSE A. HALL Director of Finance email: jesse_hall@ci.roanoke.va.us

DEPARTMENT OF FINANCE 215 Church Avenue, S.W., Room 461 P.O. Box 1220

Roanoke, Virginia 24006-1220 Telephone: (540) 853-2821 Fax: (540) 853-6142

CITY OF ROANOKE

ANN H. SHAWVER

Deputy Director email: ann_shawver@ci.roanoke.va.us

June 16, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Capital Projects of all types have been approved by Council for construction over the past years. These projects have included construction in major categories for buildings, parks, streets, bridges, sanitary sewers, water projects, storm drains, flood reduction, and various technology related projects. Funding was established for each project when Council approved the project based on the bids for the various project costs, as well as extra funding for possible contingencies. Some projects have contingency funds remaining after the final expenditures are made because projects are completed within the established budgets.

A number of projects have been completed and can be closed. The total amount of funds remaining is \$469,421 which may be transferred from these completed projects to capital projects still under construction or to capital improvement reserve accounts for other future construction. Attachment A illustrates the funds remaining in completed projects that may be closed. The attachment also indicates the account to which remaining funding is recommended to be transferred.

Recommendation:

We recommend that Council adopt the budget ordinance which will transfer funds from completed capital projects into recommended accounts.

Respectfully submitted,

Darlene L. Burcham

City Manager

Jesse A. Hall Director of Finance Honorable Mayor and Members of Council June 16, 2003 Page 2

DLB/JAH/vst

Attachment

c: William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
Barry L. Key, Director of Management and Budget
Philip C. Schirmer, City Engineer
Roy Mentkow, Acting Director of Technology

F03-00011

City of Roanoke Closing Multi-Year Accounts Fiscal Year 03

Account No	Name	Expenses to Date	Budget	Remaining Balance	Moved to Account
	INAILIC	to Date	Duuget	Dalance	Moved to Account
Fund 008					
Economic Devel 008-002-9699	Carillan Tarinian Incanting	040.000	040.000		
008-052-9629	Carilion Training Incentive	310,000	310,000	-	One its blanca and Bases and
	RCIT Addition - Property	3,271,334	3,334,897	63,563	Capital Improvement Reserve
008-310-9699	Carilion Training Incentive 2002	161,354	161,354	-	
008-310-9735	Incentive Funds Business ATT	15,000	15,000	-	
008-310-9739	Advance Stores Co GOF Performce Agree	670,000	670,000	-	
Community Devel				<u>-</u>	
008-002-9578	Shenandoah Crossing Project	1,200,000	1,200,000	_	
008-530-9684	Smith Park Roparian Plantings	69,568	69,568	-	
008-650-9736	Library Internet Connect Project	94,318	94,328	10	Retained Earnings
008-650-9737	Regional Training Lab	43,118	43,118	-	3
Public Safety					
008-052-9563	New Police Building Construction	4,758,287	4,760,788	2,501	Capital Improvement Reserve
008-052-9564	Police Building Design	1,257,924	1,257,930	6	Capital Improvement Reserve
008-052-9718	Regional Fire/EMS Training Center	840,132	846,645	6,513	Capital Improvement Reserve
008-430-9851	Radio Shop FCC Training	9,461	10,000	539	Capital Improvement Reserve
008-520-9903	Thermal Imaging Cameras	44,800	44,800	-	
General Government					
008-052-9731	Jefferson Center Performance Hall	1,600,000	1,600,000	_	
008-530-9761	Security at PWSC	1,315	15,100	13,785	Capital Improvement Reserve
008-530-9762	Quick Service Facility at PWSC	1,515	50,000	50,000	Capital Improvement Reserve
008-056-9696	Downtown Parking Study	70,000	70,000	50,000	Capital Improvement Reserve
000 000 0000	Bowntown Farking Olday	70,000	70,000	_	
Recreation					
008-052-9626	Gainsboro Branch Library	180,063	181,075	1,012	Capital Improvement Reserve
008-052-9719	Roanoke River Center Phase I	26,145	26,145	-	
008-620-9738	Soccer/Football Imp & Lighting	16,905	16,905	-	-
008-620-9739	Athletic Court Improvements	53,710	53,710	·-	
008-620-9758	Greenway Maintenance Equipment	145,089	145,089	-	
Streets and Bridges			-		
008-052-9545	I-581 Interchange	6,275,130	6,275,130	-	
008-052-9547	2nd Street/Gainsboro/Wells Avenue	6,325,075	6,583,427	258,352	Capital Improvement Reserve
008-052-9595	Peters Creek Road Extension	775,630	790,083	14,453	Capital Improvement Reserve
008-052-9604	Brandon Avenue Widening - VDOT	47,847	56,101	8,254	Capital Improvement Reserve

City of Roanoke Closing Multi-Year Accounts Fiscal Year 03

		Expenses		Remaining	
Account No	Name Name	to Date	Budget	Balance	Moved to Account
Storm Drains			-		
008-052-9580	Windsor Road Replace Well System	43,407	53,000	9,593	Trout Run Culvert Repairs
008-052-9586	Storm Water Model Maintenance	44,400	44,400	-	Trout Null Guivert Nopullo
008-052-9688	Miscellaneous Storm Drain Projects	312,116	315,839	3,723	Capital Improvement Reserve
008-052-9692	Garden City Phase 3 Drainage	694,319	694,319	-	Capital Improvement (1000)
008-052-9693	Garden City Phase 7 Storm Drains	92,461	109,000	16,539	Trout Run Culvert Repairs
008-052-9697	Salem Turnpike Drain 29th/31st	77,690	79,580	1,890	Trout Run Culvert Repairs
008-530-9782	Airport Road Storm Drain Extension	100,000	100,000	-	
Traffic Engineering		-			-
008-530-9579	Williamson/Hildebrand Road Signal	47,243	52,600	5,357	Public Improvement Bonds Series 19
008-530-9781	Anti-Icing Distribution System	34,335	34,335	-	
	, and roung Diodribation System	01,000	0.,000		
Total Fund 008		29,708,176	30,164,266	456,090	•
	_				-
Fund 002					
002-056-8351	Delineation and Mapping	11,000	11,000	-	-
002-530-8398	Crystal Springs Water Treatment Equip	320,063	320,063	-	
002-530-8402	Crystal Springs Construction Admin Serv	199,527	200,000	473	Public Improvement Bonds Series 2
002-530-8406	Muse Spring Well	119,445	125,000	5,555	Retained Earnings
002-530-8407	Ultraviolet Treatment at Crystal Springs	-		-	
002-530-8413	Temporary Filtration System for Crystl Spr	485,800	490,000	4,200	Retained Earnings
Total Fund 002		1,135,835	1,146,063	10,228	
				-	
				-	· -
Fund 003					
003-056-8356	Forest Park Drainage Project	123,467	123,467	-	.
Total Fund 003		123,467	123,467	-	
					•
Fund 013	On Line BO Custom Oleved	040.040	040 040		
013-052-9802	On-Line PO System Closed	216,812	216,812	- 1 227	Potained Farnings
013-052-9840	Council Report Tracking Pressure Seal Machine	28,763	30,000	1,237 950	Retained Earnings Retained Earnings
013-430-9849		14,050	15,000	950 825	•
013-430-9863 013-430-9864	Economic Development Contract	30,175 35,133	31,000 25,133	825	Retained Earnings
	Enterprise Bar Code Technology	25,133	•		Retained Earnings
013-430-9874	Microsoft Excel	39,909	40,000	91	Retained Earnings

City of Roanoke Closing Multi-Year Accounts Fiscal Year 03

Account No	Name	Expenses to Date	Budget	Remaining Balance	Moved to Account
Total Fund 013		354,842	357,945	3,103	
Fund 017					
017-440-9851 Total Fund 017	Suntrust Lease Purchase Vehicles	1,353,000 1,353,000	1,353,000 1,353,000	-	
		Total Available for 1	ransfer	469,421	



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Water and Capital Projects Funds Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 Water and Capital Projects Funds Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

Water Fund

Appropriations

Capital Outlay Public Improvement Bonds Series 2002 (1) Crystal Springs Construction Administration (2)	\$ 9,361,522 472 199,528
Capital Projects Fund	
Appropriations	
Flood Reduction Technology Communities Digital Maps (3)	\$18,665,464 -0-
Economic Development RCIT Addition - Property (4)	\$ 25,152,688 3,271,334
Public Safety New Police Building Construction (5) Police Building Design (6) Regional Fire/EMS Training Center (7) Radio Shop FCC Training (8)	\$ 8,225,244 4,758,287 1,257,924 840,132 9,461
General Government Security at Public Works Service Center (9) Quick Service Facility at Public Works Service Center (10)	\$ 9,751,854 1,315 -0-

Recreation Gainsboro Branch Library Improvements (11)				\$ 25,761,116 180,063	
Streets and Bridges 2 nd Street/Gainsboro/Wells Av Peters Creek Road Extension Brandon Avenue Widening - V	(13)		\$	27,168,948 6,325,075 775,630 47,847	
Storm Drains Windsor Road Replace Well S Miscellaneous Storm Drain Pr Garden City Phase 7 Storm D Salem Turnpike Drain 29 th /31 ^s Trout Run Culvert Repairs (19	rojects (16) Prains (17) (18)		\$	3,513,108 43,407 312,116 92,461 77,690 214,896	
Traffic Engineering Williamson/Hilderbrand Road	Signal (21)		\$	5,635,273 47,243	
Capital Improvement Reserve Capital Improvement Reserve	\$	843,807 838,450			
Public Improvement Bonds Se	eries 1999 (26)			5,357	
Revenues					
Intergovernmental (27)			\$	3,706,141	
 Crystal Springs Plant Construction Appropriated from Series 	(002-530-8400-9199)	\$ 472			
2002 Bond Issue	(002-530-8402-9076)	(472)			
3) Appropriated from Federal Grant Funds	(008-510-9655-9002)	(30,000)			
4) Appropriated from General Revenue	(008-052-9629-9003)	(63,563)			
5) Appropriated from General Revenue	(008-052-9563-9003)	(2,501)			
6) Appropriated from General Revenue	(008-052-9564-9003)	(6)			
7) Appropriated from General Revenue	(008-052-9718-9003)	(6,513)			
8) Appropriated from General Revenue	(008-430-9851-9003)	(539)			
Appropriated from General Revenue	(008-530-9761-9003)	(13,785)			

10) Appropriated from		
General Revenue	(008-530-9762-9003)	\$ (50,000)
11) Appropriated from		
General Revenue	(008-052-9626-9003)	(1,012)
12) Appropriated from		
General Revenue	(008-052-9547-9003)	(258,352)
13) Appropriated from		
General Revenue	(008-052-9595-9003)	(14,453)
14) Appropriated from		
General Revenue	(008-052-9604-9003)	(8,254)
15) Appropriated from Series		
1996 Bond Issue	(008-052-9580-9088)	(9,593)
16) Appropriated from		
General Revenue	(008-052-9688-9003)	(3,723)
17) Appropriated from Series	(000 050 0000 0000)	(40.500)
1996 Bond Issue	(008-052-9693-9088)	(16,539)
18) Appropriated from Series	(000 050 0007 0004)	(4,000)
1999 Bond Issue	(008-052-9697-9001)	(1,890)
19) Appropriated from Series 1999 Bond Issue	(000 530 0040 0004)	1 900
	(008-530-9810-9001)	1,890
20) Appropriated from Series 1996 Bond Issue	(008-530-9810-9088)	26,132
21) Appropriated from Series	(000-330-3010-3000)	20,132
1999 Bond Issue	(008-530-9579-9001)	(5,357)
22) Buildings and Structures	(008-052-9575-9173)	74,356
23) Storm Drains	(008-052-9575-9176)	3,723
24) Economic Development	(008-052-9575-9178)	63,563
25) VDOT Match	(008-052-9575-9210)	281,059
26) Streets and Sidewalks	(008-052-9709-9191)	5,357
27) FEMA - Digital Flood Maps	(008-008-1234-1265)	(30,000)

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



JESSE A. HALL
Director of Finance
email: jesse_hall@ci.roanoke.va.us

CITY OF ROANOKE DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461 P.O. Box 1220 Roanoke, Virginia 24006-1220 Telephone: (540) 853-2821 Fax: (540) 853-6142

ANN H. SHAWVER

Deputy Director

email: ann_shawver@ci.roanoke.va.us

June 16, 2003

The Honorable Ralph K. Smith, Mayor
The Honorable C. Nelson Harris, Vice Mayor
The Honorable William D. Bestpitch, Council Member
The Honorable M. Rupert Cutler, Council Member
The Honorable Alfred T. Dowe, Jr., Council Member
The Honorable Beverly T. Fitzpatrick, Jr., Council Member
The Honorable Linda F. Wyatt, Council Member

Subject: Internal Service Funds Budget Adjustments

Dear Mayor Smith and Members of City Council:

Background

The Internal Service Funds account for certain services provided to departments of the other funds of the City. The Internal Service Funds recover their costs by charging the receiving departments for services provided.

Budgeted funds for internal services are allocated in the General Fund each fiscal year throughout various departments based on estimated usage. Usage usually varies from the original estimates.

Additionally, budget amounts in the Internal Service Funds are established based on expected transactions for the year. Based on some higher than anticipated expenses and changes in billing methodology in the areas of Department of Technology, Fleet and Risk Management, certain additional expenses have been incurred, and budget adjustments will be needed for such items.

Considerations

During the current fiscal year, a new telephone system was installed in the majority of City offices. A new billing method was necessary to accommodate the new phone system. The Department of Technology now pays phone charges and bills user departments instead of departments being charged directly. To administratively accommodate the change in billing methodology, increases of \$163,800 in the Department of Technology's revenue and expense estimates are needed for fiscal year 2003. No additional funding is necessary for General Fund departments as phone charges were already properly budgeted throughtout user departments.

The Fleet Management Fund bills user departments for vehicle supplies and maintenance and fuel purchases, based on cost. In the current fiscal year, the cost of vehicle parts and inventory resupply exceeded the amounts budgeted by \$175,300. In addition, fuel prices increased during the year and were \$138,000 higher than anticipated. As a result, increases of \$313,300 in Fleet Management's revenue and expense estimates are needed for fiscal year 2003.

The City accounts for self-insured liabilities in its Risk Management Internal Service Fund. This fund has incurred costs in excess of budget during FY2003, and has billed user funds and departments at amounts exceeding original revenue estimates to recover those costs. An increase of \$151,716 is necessary in various operating accounts to cover claims and repair costs in excess of budget. An increase of \$162,000 is needed to cover the rising costs of insurance policies. The cost of policies has increased as a result of the events of September 11, 2001. Property values have also been updated in insurance policies. Workers' compensation medical expenses need an increase of \$55,000 due to a higher than typical level of medical claims paid. Corresponding revenue adjustments will also be made.

The General Fund portion of the additional amount required to fully fund the internal service fund charges will be transferred to various departments' internal service accounts via a separate council report. Funding will be provided from available salary lapse funds.

Recommended Action

The attached budget ordinance will accomplish the required internal service fund budgetary adjustments. We recommend it for your approval.

Gom A. Hall

Director of Finance

Jesse A. Hall

Respectfully Submitted,

Darlene L. Burcham

City Manager

DLB:JAH

Attachment

c: Mary F. Parker, City Clerk

William M. Hackworth, City Attorney

Barry L. Key, Director of Management and Budget

Roy M. Mentkow, Acting Director of Department of Technology

Glenn A. Asher, Risk Management Officer

Robert D. Frazier, Manager of Fleet Management



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003

Department of Technology, Fleet Management and Risk Management Funds

Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 Department of Technology, Fleet Management and Risk Management Funds Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

Department of Technology

Appropriations

Appropriations	
Operating (1-2)	\$ 3,781,330
Revenues	
Operating (3-4) Nonoperating (5)	\$ 4,343,288 930,232
Fleet Management Fund	
Appropriations	
Operating (6-8)	\$ 3,270,039
Revenues	
Operating Billings to Other Funds (9-12) Nonoperating (13)	\$ 4,507,394 2,927,353 1,293,336
Risk Management Fund	
Appropriations	
Operating (14-19)	\$ 12,860,812

Revenues

Operating (20-22)	•••••	•••••	\$ 11,339,570
Nonoperating (23)			509,716
1) Telephone	(013-430-1601-2020)	\$ 92,325	
2) Equipment Rental	(013-430-1601-3070)	71,475	
3) Billings to General Fund	(013-110-1234-0952)	131,747	
4) Billings for Phone Charges	(013-110-1234-1314)	163,800	
5) Transfer from General Fund	d(013-110-1234-1037)	(131,747)	
6) Fees for	,	•	
Professional Services	(017-440-2641-2010)	35,000	
7) Motor Fuel Purchases	(017-440-2641-3013)	138,000	
8) Cost of Goods Sold	(017-440-2641-3016)	140,300	
9) Billings to General Fund	(017-110-1234-0952)	33,900	
10) Billings to Water Fund	(017-110-1234-0953)	24,400	
11) Vehicle Damage Repair	(017-110-1234-1177)	25,000	
12) Fuel Billings	(017-110-1234-1279)	138,000	
13) Transfer from			
General Fund	(017-110-1234-0951)	92,000	
14) Fees for Professional			
Services	(019-340-1262-2010)	44,716	
15) Miscellaneous Claims	(019-340-1262-2173)	37,000	
16) Litigation	(019-340-1262-2179)	45,000	
17) Insurance	(019-340-1262-3020)	162,000	
18) Vehicle Damage Repair	(019-340-1262-7008)	25,000	
19) Workers			
Compensation - Medical	(019-340-1265-2181)	55,000	
20) Billings to General Fund	(019-110-1234-0952)	160,333	
21) Billings to Water Fund	(019-110-1234-0953)	108,667	
22) Worker's			
Compensation - Medical		55,000	
23) Damages to City Property	(019-110-1234-0865)	44,716	

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

CITY OF ROANOKEOFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

June 16, 2003

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Beverly T. Fitzpatrick, Jr., Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject:

Enhanced 9-1-1 Tax Rate

Background:

The Commonwealth of Virginia authorizes any locality providing Enhanced 9-1-1 (E911) services to its citizens to impose a special tax on the consumers of telephone service in order to support the cost of operations. On May 12, 2003, Council approved an ordinance amending Section 32-276 of the City Code to increase the tax to two dollars (\$2.00) per month per telephone line to be effective on October 1, 2003. The City is required to notify the registered agent of the service providers required to collect the tax at least one hundred twenty (120) days prior to the effective date of the increase, in order for the increase to be effective. The notice requirement is mandated by Section 58.1-3812.A, Code of Virginia to allow phone companies time to adjust their systems for the new rate.

Considerations:

The required notification was not sent to the registered agents of the service providers responsible for collecting the tax in order to provide for the October 1, 2003 effective date. In order to provide for the required advance notification, the effective date of the tax increase needs to be revised to November 1, 2003. The

Honorable Mayor and Members of Council June 16, 2003 Page 2

revenue loss associated with a one month delay in the implementation date is approximately \$37,000. While this implementation delay might cause the tax to fall below estimate in FY04, the variance is not expected to be significant.

Recommended Action:

Repeal the ordinance approved by Council on May 12th amending Section 32-276 of the City Code adjusting the Enhanced 9-1-1 tax to \$2.00 per month effective on October 1, 2003. Approve the attached ordinance amending Section 32-276 of the City Code adjusting the Enhanced 9-1-1 tax to \$2.00 per month effective November 1, 2003.

Respectfully submitted,

Darlene L. Burcham

City Manager

DLB:rbl

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Barry L. Key, Director of Management and Budget

CM03-00135



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE repealing Ordinance No. 36307-051203, adopted on May 12, 2003; and amending and reordaining §32-276, <u>Tax levied; amount</u>, of the Code of the City of Roanoke (1979), as amended, to provide for an increase in the special tax imposed on the consumers of telephone service to offset costs attributable to the enhanced 911 Emergency Telephone System; providing for an effective date; and dispensing with the second reading by title paragraph of this ordinance.

WHEREAS, pursuant to §58.1-3813, Code of Virginia (1950), as amended, City Council has established an enhanced 911 Emergency Telephone System ("E-911") and has imposed a special tax on the consumers of telephone service; and

WHEREAS, the current tax is insufficient to offset recurring maintenance, repair and system upgrade costs, and salaries or portions of salaries of dispatchers paid by the City which are directly attributable to the E-911 system only;

WHEREAS, Ordinance No. 36307-051203, heretofore adopted on May 12, 2003, increasing the special tax provided for in §32-276, of the City Code, failed to reach the providers of telephone service, as required by law, within 120 days prior to its effective date;

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. Ordinance No. 36307-051203, adopted May 12, 2003, is hereby REPEALED.

2. Section 32-276, <u>Tax levied; amount</u>, of the Code of the City of Roanoke (1979), as amended, is hereby amended and reordained to read and provide as follows:

§32-276. Tax levied; amount.

There is hereby imposed and levied by the city upon every purchaser of local telephone service a tax in the amount of one dollar and forty-five cents (\$1.45) two dollars (\$2.00) per month per telephone line. This tax shall be paid by the purchaser to the seller of local telephone service for the use of the city to offset recurring maintenance, repair, and system upgrade costs, and salaries or portions of salaries of dispatchers paid by the city which are directly attributable to the E-911 system only.

3. The tax increase authorized by this ordinance shall be in force and effect upon and after November 1, 2003.

4. The City Clerk is directed to forward an attested copy of this ordinance by certified mail, return receipt requested, to the registered agent of the service provider required to collect the tax so that an attested copy will be received by such registered agent at least one hundred and twenty (120) days prior to November 1, 2003.

5. Pursuant to §12 of the Roanoke City Charter, the second reading by title paragraph of this ordinance is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKEOFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

June 16, 2003

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Beverly T. Fitzpatrick, Jr., Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Public Markets. Amendments to Code of the City of Roanoke.

A committee made up of City staff, Downtown Roanoke, Inc. (DRI) staff, and Roanoke Market Vendors reviewed and made recommendations to update and amend Article III, Public Markets, Sections 24-61 through 24-77 of the Code of the City of Roanoke (1979), as amended. Such changes are needed in order to meet the operational challenges facing the market and in order to provide for more efficient management of the Market.

All changes in the City Code have been recommended by DRI through consultation with the vendors and approved by DRI's Board of Directors. These modifications include changing the allowable hours of use and authorizing the City Manager to create Rules and Regulations for the operation and use of the Market. The changes in the rules and regulations include allowing vendors to have one parking space per permitted license space with the provision that employees may not use the parking space for personal use. Several retail merchants have expressed concerns about the potential for vendors who have more than one space to occupy parking spaces they don't necessarily need. However, the handbook provides the City Manager with the discretion to address such issues should they arise. Therefore, such concerns can be addressed in the handbook as may be needed.

Honorable Mayor and Members of Council June 16, 2003 Page 2

Recommendation:

Amend Article III, Public Markets, sections 24-61 through 24-77 of the Code of the City of Roanoke (1979), as amended, by adopting the attached ordinance.

Respectfully submitted,

Darlene L. Burcham City Manager

DLB:sks

Attachment

c: Jesse A. Hall, Director of Finance
William M. Hackworth, City Attorney
Gary Tegenkamp, City Attorney
Mary F. Parker, City Clerk
George C. Snead, Assistant City Manager
Elizabeth Neu, Director of Economic Development
Sally Sappenfield, Special Projects Coordinator, Economic Development
David Diaz, President, DRI

CM03-00132

MARKET HANDBOOK FOR THE HISTORIC ROANOKE CITY MARKET "Where it all comes together"

The Historic Roanoke City Market, also called the Farmer's Market, is the oldest continuously operating City Market in the Commonwealth of Virginia. For over 125 years, Roanoke Valley farmers have been bringing fresh fruits, vegetables, and flowers to the Market. In recent years, the farmers have been joined by artisans offering handcrafted items, unique jewelry, and other art objects.

The Market has been recognized nationally as a "Great American Public Place" by the Lyndhurst Foundation along with other winners such as the Vietnam Memorial in Washington and Central Park in New York City. Locally, the Market has received a number of "Best of Roanoke" awards by the Roanoker magazine, based upon votes of the residents of Roanoke Valley.

MARKET HANDBOOK

Rules and Regulations for the operation and use of market spaces. Effective July 1, 2003

To the extent reasonably possible, the spaces on the Market shall be used 60% for agricultural, plant, and flower Vendors, and 40% for packaged, prepared foods, baked goods, canned goods, arts, crafts, and jewelry Vendors. In order to maintain the history and vision of the Roanoke City Market, priority will be given, in this order, to the following Vendors:

- FARMERS, both organic and non-organic, and local growers (with proper Virginia Department of Agriculture permits) of vegetables, fruits, plants, and flowers.
- FOOD VENDORS selling packaged, prepared, baked and canned goods.
- ARTISANS offering arts, crafts, and jewelry for sale.

I. DEFINITIONS

- A. ARTISAN: Anyone who offers arts, crafts, and jewelry for sale on the Market or who performs a service such as face painting.
- B. FARMER: Anyone who offers produce, including, but not limited to, fruits, vegetables, and cut greenery, live plants, herbs, flowers, meat, poultry, eggs, and dairy products, for sale on the Market.
- C. FOOD VENDOR: Any Vendor selling packaged, prepared, baked and canned goods.
- D. HOME GROWN: Produce actually grown "by the farmer" during the growing season within a 100-mile radius of the Roanoke City Market may be labeled "home grown."
- E. LOCALLY GROWN: Produce that is grown within a 100-mile radius of the Roanoke City Market may be labeled as "Locally Grown" and sold on the Market.
- F. MARKET: That body of land owned by, or under the control of, the City of Roanoke generally described as lying south of Salem Avenue, west of Williamson Road, north of Church Avenue, and east of Jefferson Street.
- G. MARKET HANDBOOK: That body of rules and regulations authorized pursuant to City of Roanoke Code Section 24-77 for the operation and use of market spaces.
- H. MARKET MANAGER: That person designated by the City or its management contractor, to supervise the daily operation and long-term management of the Roanoke City Market.

- I. MARKET RULES COMMITTEE: The committee appointed by the City or its agent from among the Vendors and charged with the responsibility for suggesting modifications to these Rules and Regulations as may, from time to time, be required for the operation and use of the market spaces.
- J. VENDOR: Any person or entity in lawful possession of a license or permit to offer items for sale or to perform services on the Market, whether on a daily basis or for some other period of time.
- **K.** LICENSE OR PERMIT: A license or permit is a contract between the City or its agent and a person or entity granting the right to use and occupy the market space described in the contract upon the terms and conditions set forth in the contract. The license or permit will be one of three types.
 - 1. A PRIMARY PERMIT: A Primary permit is a license or permit issued to a person or entity granting to such person or entity the right to use and occupy the market space identified in the contract whenever the Market is open and upon the terms and conditions set forth in such license and permit. A Primary permit may be issued for six months or for one year.
 - 2. A SHARED PERMIT: A Shared permit is a license or permit issued to a person or entity granting such person or entity the right to use and occupy the market space identified in the contract whenever the space is not occupied by the Primary permit holder and in accordance with the terms and conditions set forth in such license or permit. The Shared permit shall be approved by the Market Manager. The Shared permit shall be issued for the same length of time as the Primary permit.
 - 3. A DAILY PERMIT: A Daily permit is a license or permit issued to a person or entity granting such person or entity the right to use and occupy a designated market space for the day for which it is issued.

II. ITEMS THAT MAY BE SOLD ON THE MARKET

- A. When a particular vegetable, herb, fruit, or other such produce is actually being grown and produced locally, as defined herein, a Farmer may offer for sale on the Market only that locally grown produce, including:
 - 1. Fruits, vegetables, live plants, bedding plants, flowers, herbs, meat, poultry, eggs, and dairy products grown or prepared by the Farmer or under his direct supervision and such items shall be marked or labeled as "locally grown" or "home grown."
 - 2. Depending upon growing conditions then being experienced, a Farmer, in early April and late September, may, with the prior approval of the Market Manager offer produce, including fruits, vegetables, herbs, and other such

produce that is purchased from other farmers for resale. Such items shall not be labeled as "locally grown" or "homegrown."

- B. In all months that the Market is open, Food Vendors may offer for sale homemade baked goods, honey, jams, jellies, and highly acidic canned goods (with an inspection report from the Virginia Department of Agriculture) actually prepared by the Vendor offering the item for sale or under the Vendor's direct supervision.
- C. In all months that the Market is open, Vendors may offer crafts that are made by hand from raw or collected materials and that comply with these Rules and Regulations. A Vendor must receive from the Market Manager written approval before offering the items for sale.
- D. The Market Manager shall have the authority to approve or to disapprove any item offered for sale on the Market under this section.

III. HOURS OF OPERATION

- A. Weather permitting, the Historic Roanoke City Market will normally be open Monday through Saturday from 8:00 A.M. until 5:00 P.M. from January 2 through December 31. The Market shall be closed on December 25 and January 1 of each year.
- B. The Market may be opened at such other times as the Market Manager shall, from time to time, designate.
- C. Vendors who have applied for and received a permit to sell on the Market shall make every effort to be open and ready to sell when the Market opens, and to remain open until the Market closes or until the Vendor has sold out of items being offered for sale. It is recognized that weather, travel-time, or other circumstances may make it impractical or impossible for the Vendor to comply with this requirement on occasion.
- D. Should a later opening time be required for Vendor, Vendor shall notify the Market Manager by phone at Downtown Roanoke, Inc. (540-342-2028) as far in advance of opening as is possible. Failure by Vendor to be open to sell by 9:00 A.M. or to notify the Market Manager of the need for a later opening time may result in the release of Vendor's space to another entity for that day.

IV. LICENSES, TAXES, AND PERMITS

- A.Every Vendor on the Roanoke City Market must comply with federal and state laws, and local ordinances.
- B. Collection and filing of any applicable taxes and payment to the appropriate taxing authority is the sole responsibility of the Vendor.
- C. Farmers must secure a Grower's Permit from the Virginia Cooperative Extension Service and have the same properly notarized, whether selling on a daily, monthly, or annual basis. A copy of the Grower's Permit will be attached to, and made a part of the Farmer's permit to sell on the Market. Farmers must also obtain a temporary sales tax ID number before being issued a permit if required by law.

- D. A prospective Vendor wishing to sell handcrafted items, including, but not limited to, jewelry, art, pottery, or photography must, before offering items for sale:
 - 1. File an application with the Market Manager that specifies the nature of the product that the Vendor wishes to sell.
 - 2. Obtain from the City of Roanoke appropriate licenses, which may include a Peddler's License.
 - 3. File an affidavit with the Market Manager that the items for sale have been created by the Vendor and that Vendor has read, and agrees to comply with, the guidelines for craft items appended hereto as Appendix A.
 - 4. If a written complaint is filed with the Market Manager alleging a Vendor is offering substandard crafts, crafts not made by the Vendor, or crafts that have been made by others and purchased for re-sale, a hearing will be scheduled before the Market Rules Committee and the Vendor will be given an opportunity to respond in full to the complaint. Following the hearing, a recommendation will be made to the Market Manager for appropriate action.
- E. Vendors selling prepared foods must secure a Registration for Tax Collection Form from the Office of Billings and Collections of the City of Roanoke (540-853-2880). Vendors are responsible for collecting and paying the City of Roanoke's 4% Prepared Food and Beverage tax. A copy of such form will be attached to and made a part of the permit to sell.
- F. All scales for weighing items sold on the Market must display a current, valid certification sticker signed by an Inspector from the Virginia Department of Weights and Measures.
- G. Vendors are responsible for contacting the offices of the Commissioner of Revenue (540-853-2521), the Virginia Department of Taxation (540-562-3510), and the Billings and Collection Department of the City of Roanoke (540-853-2880) to ensure that they are operating within the law. Failure to do so could result in civil or criminal penalties.

V. LICENSE AND PERMIT AGREEMENTS

- A. Spaces are assigned upon the execution of a contract, also referred to as a license or permit, whether daily or for another period of time. Only those persons to whom a license or permit is given may use the assigned space. Transferring by any instrument or allowing the assigned space to be used by any other person, including a family member, in the absence of the person to whom the permit is issued, without the Market Manager's prior written permission, shall be grounds for immediate termination of the license or permit.
- B. No Vendor shall be allowed to sell from any space in the Market, either permanent stalls or temporary Market spaces, without having first obtained a license or permit.

- C. If a Vendor has not occupied that Vendor's assigned space by 9:00 A.M. without the Market Manager's prior written approval, that space may be assigned for the day to another Vendor on a "first come, first served" basis. Holders of a Primary permit or a Shared permit will be given preference over daily Vendors for a particular space. The Market Manager will be on the Market by 7:00 A.M. at space number 23 each day the Market is open and shall maintain a list of Vendors wishing to secure space for the day. Except as set forth herein, no space on the Market may be reserved, claimed, or occupied prior to 9:00 A.M. by anyone other than the person having a license or permit to do so.
- D. Matters of safety or sanitation may require the Market Manager to temporarily assign a Vendor a space different from that previously assigned to the Vendor.
- E. The City and its agent reserves the right to refuse to offer a license or permit to any Vendor, or to revoke any license or permit for Market space previously issued, when it is considered to be in the best interests of the Market. The Vendor is entitled to receive a written notice of such revocation at least 30 days prior to the effective date of such action unless such termination is for cause or for an emergency. The following shall be grounds for immediate cancellation of any license or permit, for cause, without prior notification: (a) failure to meet the terms of the agreement; (b) failure to pay fees within 10 days of the due date; or (c) failure to comply with Section 24-71 of the City of Roanoke Code.
- F. Vendors shall be responsible for the actions of employees, agents, or other persons working for, or with, the Vendor.
- H. Beginning on July 1, 2003, there shall be three types of licenses or permits, as defined in Section I (K) above, issued for Market spaces; a daily license or permit, a primary license or permit and a shared license or permit. The permits issued shall be valid only for the time period specified thereon.
 - 1. Shared license or permits may be issued to two Vendors for the same Market space, provided that each Vendor enters into a contract with the City or its agent specifically establishing the days or months that each shall occupy the space.
 - 2. To assure continued diversity in the products offered for sale on the Market and to encourage the participation of new Vendors in the future, no Vendor shall be allowed to obtain or hold licenses or permits for more than two Market spaces; provided, however, Vendors holding Primary Permits for more than two Markets spaces on June 30, 2003, shall not be affected by this limitation as long as they maintain those permits.
 - 3. A Vendor holding a Shared Permit shall have the first option to succeed the holder of the Primary Permit upon its termination if such Primary permit holder does not renew such license or permit Provided, however, such right of succession shall not be used to permit the holder of a Shared Permit to violate the conditions of subparagraph G (2) above. In the event that there is more than one Shared Permit on the same space, seniority shall control with regard to the first right of succession.

- H. Licenses and permits are entity-or person-specific. If a family is applying for a permit, all members of the family who expect to sell on the Market must sign the agreement. If the permit is being obtained by a business, an officer or a general partner must sign the permit.
- I. Vendors who have received a Primary license or permit or a Shared license or permit will be required to be present to sell for a minimum of 50% of the duration of their contract term, subject to the following conditions.
 - 1. The 50% attendance requirement will be applied only during the months of April through December and only on Wednesdays through Saturdays.
 - 2. Vendors with contracts stating the specific days and months of attendance will be required to attend at least 50% of those specified days and months.
 - 3. The Market Manager may waive a specific portion of the attendance requirements when a Vendor has experienced an emergency or an extenuating circumstance. Such waivers must be documented in writing and signed by the Market Manager.
 - 4. Failure to comply with the aforementioned attendance requirements may result in termination or non-renewal of the license or permit.

V. PARKING

A license or permit for a Market space is a permit to use the parking space or adjacent parking space(s) for parking for the Vendor only. Employees of the Vendor are not permitted to use the parking space. Every Vendor using a parking space(s) must display on the dashboard of each vehicle in such space(s) a parking permit signed by the Market Manager.

VII. FEES

Fees to be paid for spaces are in Appendix (B) attached hereto. Fees will remain the same as in the previous handbook. Any fee changes must be approved by the DRI Board of Directors and City Council.

VIII. HEALTH, SANITATION, AND SAFETY

- A. The City of Roanoke will provide and empty all public litter containers in the Market.
- B. Vendors are responsible for the collection and proper disposal of all refuse, grease, and trash generated from their spaces.
- C. Vendors are responsible to see that their areas are left clean and orderly when they leave the Market for the day and must assure that the awnings are rolled up. Failure to comply with this section may result in the imposition of the greater of a \$5.00 fee or the actual cost of any cleanup to be collected by the Market Manager. A second failure to comply with this section or the failure to pay the fee or cost may result in a termination of the license or permit to use the space. All monies collected under this

- section shall be deposited in the Market promotional fund, except for any actual cost of cleanup, which shall go to pay such costs.
- D. Downtown Roanoke, Inc. and the City of Roanoke are not responsible for damage to or loss of any personal or other items in any of the spaces.
- E. Children brought to the Market by Vendors must be kept within the Vendor's Market space and be under the supervision of a designated adult.
- F. Vendors and their representatives agree to protect and hold Downtown Roanoke, Inc. and the City of Roanoke their employees, agents, and representatives harmless and to indemnify such entities from any and all claims, demands, suits, actions, judgments, and recoveries, for or on account of any damage, theft, or injury (including death) to property or person occurring as a result of Vendor's use of Market space for which Vendor holds a license or permit, including loss or injury resulting to Vendor from any cause whatsoever, including but not limited to electrical or equipment failure.

IX. STRUCTURAL

- A. Vendors must provide their own equipment and any additional materials for display of items. Vendors may not use nails or other setup materials which permanently damage the space.
- B. No signs or advertisements may be attached to buildings or tables by staples, screws, nails, etc. Any sign that a Vendor wishes to use in his or her Market space must be approved by the Market Manager. Market Manager has the sole discretion to disapprove any sign or signage considered by the Market Manager to be inappropriate.
- C. No signs of an advertising nature and designed to attract attention for support of commercial activities which promote a product, commodity, service, or entertainment which is not available for sale at such Market space are allowed on the Market without the approval of the Market Manager. No other signs shall be allowed on the Market unless allowed by the Market Manager or by law. The Market Area is designated as an H-1 District and any permanent or semi-permanent signage must be approved by the Roanoke Architectural Review Board.
- D. Any needed repairs, hazardous conditions, or problems rendering the Market space unusable for the purpose for which it was designed shall be immediately reported in writing to the Market Manager or Downtown Roanoke, Incorporated(at 540-342-2028).

X. GENERAL INFORMATION

- A. The Historic Roanoke City Market promotes a family atmosphere. Proper dress is required of all Vendors. Profanity or otherwise offensive language, including gestures, is prohibited.
- B. No person shall make a public outcry, engage in "hawking," play any musical instrument, or give other entertainment while selling on the Market, whether for personal pleasure or for public enjoyment.
- C. Vendors who violate any of the regulations contained in this Market Handbook will be given a verbal warning. A second violation for the same, or for a different violation, will result in a written warning. A third violation will result in the termination of the license or permit without refund of any monies paid therefore.
- D. Any unresolved disputes with the Market Manager may be referred in writing to Downtown Roanoke, Inc., for resolution.

By the authority granted to me by City of Roanoke Code Section 24-77, I hereby approve and adopt these Rules and Regulations for the operation and use of market spaces on the Historic Roanoke City Market, which shall be effective July 1, 2003.

This day of	, 2003	
		Darlene L. Burcham
		City Manager
		City of Roanoke

APPENDIX A TO THE MARKET HANDBOOK

Craftsmanship should be reflective of the Vendor's considerable skill, time, and effort to produce high quality, finished product. Each item should be original and unique but may be assembled from patterns created by the Vendor. Assembly of plastic items, or copyrighted items unless the Vendor is the holder of the copyright. Assembly from kits or premanufactured items is not acceptable. The design of the item should reflect shape, form, color, and texture. The material should be of high quality and of at least 80% raw or collected material. Crafts may include original leatherwork, original jewelry, clothing and other soft goods. Of the total value of the item, 50% of the total value of the item must be attributable to the artisan's handiwork. Crafts may not include kits, cut bottles, unfinished work, or bread-dough sculptures.

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APPENDIX B TO THE MARKET HANDBOOK

The Market Manager (or a designee) will be responsible for collecting the daily and monthly permit fees.

Daily Fee

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Monthly Fee	Space Number(s)
\$30.00	40
\$27.00	7,7A, 3A
\$25.00	1-6, 36-39, 41-43, Market Square
\$30.00	17
\$27.00	8, 18, 35
\$25.00	9, 11-13A, 14-16, 19-24, 26-30, 32-34
\$20.00	10, 13B, 25, 31, East Side of Wall Street
\$20.00	1-13

Remainder of the page is intentionally left blank

7,1.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE amending and reordaining Article III, <u>Public Markets</u>, of Chapter 24, <u>Public Buildings and Property Generally</u>, of the Code of the City of Roanoke (1979), as amended, by amending certain sections therein, repealing section 24-70, <u>Sign required on vehicles used by hucksters or peddlers</u>, and adding Section 24-77, <u>Rules and regulations for use of market spaces</u>, in order to update such Article III; and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Article III, <u>Public Markets</u>, of Chapter 24, <u>Public Buildings and Property</u>

<u>Generally</u>, of the Code of the City of Roanoke (1979), as amended, is hereby amended and reordained to read and provide as follows:

ARTICLE III. PUBLIC MARKETS

§24-61. Violations of article.

Except as otherwise specifically provided, a violation of any provision of this article shall constitute a Class 4 misdemeanor.

§24-62. Definition.

As used in this article, the term "market", "public market", or "market area" shall mean and include all market spaces designated in accordance with section 24-63 and all streets which have been set aside for market purposes.

§24-63. Where held.

- (a) Public markets shall may be held on in the market building public sidewalks, the public parking areas, and/or on the public streets designated in this section.
- (b) The portion of the public sidewalks, parking areas, and streets that may be used for public markets consists of the market area lying north of Church Avenue, west of Second Street Williamson Road, south of Salem Avenue and east of and including Wall Street Jefferson Street and shall may be marked off by the city manager into market spaces. The spaces so marked off are hereby set aside for the producers of farm, and domestic products, and other approved items to sell their produce, products, and items. The city manager may place reasonable restrictions on the use of all or part of such spaces.
- (c) In the event there are more applicants for market spaces than there are market spaces available, the city manager may authorize the assignment of additional spaces on some street that has been set aside for market purposes on a public street, sidewalk or parking area that has been set aside for market purposes.

§24-64. Operating hours.

Hours for the operation of the market shall be from 5:00 a.m. to 6:30 p.m., Monday through Saturday. The market areas shall be closed on Sundays.

The market may be available for operation from 5:00 a.m. to 6:30 p.m. Monday through Saturday. Days and hours for the operation of the market shall be established by the city manager and set forth in the rules and regulations authorized by Section 24-77 below.

§24-66. Curb Market spaces generally.

- (a) The owners of vehicles from which produce or other commodities are to be offered for sale on the curb at the market shall, prior to offering produce or other commodities for sale, secure a permit from the city manager. Such permit shall be issued on a monthly basis by contract or on a daily basis by payment of curbage fees prescribed by the city council.
- (a) Any person who wants to offer for sale in market spaces produce, other commodities, or such other goods as may be permitted by the city manager, shall, prior to any such offering, obtain a license or permit to do so from the city

manager. Such license or permit may be issued on a yearly, monthly, or daily basis subject to payment of a market space fee as approved by the city council.

- (b) Any person having entered into a yearly, monthly or daily contract license or permit with the city for any curb market space at the market shall have the right to use such space at the permitted times any time during the term of the contract license or permit; provided, however, that should such person not occupy his their space by the time established by the city manager in the rules and regulations authorized by \$24-77 below on any morning, the city manager may lease the space permit the use of such space by to any other person for such day. Should the monthly lessee appear at a later time on such day, the daily lessee shall vacate the premises.
- (c) All daily rentals of curb fees for market spaces at the market shall be at such spaces as are assigned by the city manager charged at the rate designated for such space. Such spaces shall may be assigned by the city manager on a first come, first serve basis during the hours that the office of the market is open.

§24-67. <u>License or authorization prerequisite to occupancy of market space of stall.</u>

No person shall occupy any market space or stall at the market for the sale of any articles or things for which a license tax is required by chapter 19 of this Code, until he such person has obtained a any required license or authorization for such privilege from the commissioner of the revenue or from any other required federal, state or local governmental agency.

§24-68. Maintenance of *market* spaces and stalls.

Each occupant of a market space or stall shall, before leaving the same at the close of the business day, clean the space or stall and remove therefrom and properly dispose of all garbage, trash, refuse and other waste material.

§24-69. Arrangement of articles and vehicles.

The city manager shall may direct or approve the arrangement and position display of all articles items brought to the market for sale or display and of all vehicles used at the market. It shall be unlawful for any person to fail or refuse to obey any such directions.

§24-70. Sign required on vehicles used by hucksters or peddlers.

Every huckster or peddler shall display a sign on each vehicle used for the sale of articles at the market, in letters not less than four (4) inches high, showing the name of the person owning such vehicle, together with the word "Peddler."

§24-71. <u>Vacant stalls; market spaces; recovery of rents fees; transfer of stalls market spaces.</u>

If the rental fee payments for a stall market space at the market are is in arrears for more than ten (10) days, or if for any cause there shall be a failure, for thirty (30) days, to supply the stall space with articles approved items for sale, for which it was rented the space was obtained, the city manager may declare the stall vacant for the period of time designated in the license or permit in violation of the rules and regulations authorized by Section 24-77 below, or any other violation of the license or permit, the city manager may declare the market space vacant and immediately terminate any license or permit for such space. In every such case, and in every other case where a stall market space may become vacant, the city manager, after posting a notice on the front of the market house for at least three (3) days, shall rerent the stall may allow the use of such market space by others for the remainder of the term of the license or permit and may for which it was theretofore rented, to the highest bidder, and he shall also proceed to recover the rent fees due by the renter person who has forfeited his the right to the stall market space. No renter licensee or permittee of a stall market space in the market shall be permitted to sublet or transfer the same without the prior written consent of the city manager. first obtained.

§24-72. Sale or purchase of perishables generally.

- (a) No person, except the producer or a properly licensed peddler authorized person of the same shall sell or offer for sale any vegetables, fruits, eggs, butter or other family items supplies of a perishable nature at the market. No person, including producers, and licensed peddlers, shall sell any such supplies items at any place which is outside the market area but within five (5) blocks thereof except with the prior written consent of the city manager.
- (b) No person shall buy any vegetables, fruits, eggs, butter or other family supplies permitted items of a perishable nature at the market spaces and sell or offer the same for sale thereon at market spaces without the prior written consent of the city manager, it being the intention of this provision to prevent regrading at the market.
- (c) This section shall not apply or be construed to apply to or prevent any regularly properly licensed merchant having a fixed and designated place of business anywhere in the city from purchasing such supplies the items mentioned in this section and selling or offering the same for sale at his such merchant's place of business.

§24-73. Sale of meat.

The sale of any meat, meat products, and poultry, of poultry products, or other food products as may be permitted by the city manager must conform to all inspection laws of the this state or the United States, whichever is applicable, and all health regulations must be complied with as to cooling, handling, and packaging, and sale of such products.

§24-74. Sale of handicraft art and craft items.

Persons engaged in art and craft handicraft skills may sell those handicraft items which they have fashioned in market spaces designated by the city manager those art and craft items which have been approved by the city manager pursuant to the rules and regulations authorized by Section 24-77 below. on the city market otherwise vacant and not used by producers, hucksters or peddlers, and as designated by the city manager. Each person selling art and craft handicraft items on the city market, in addition to market space rental fee charges, shall pay the appropriate city license tax and, upon at the request of the city manager shall certify, by a sworn affidavit, that those handicraft such items to be sold were fashioned by such person, their employee, or a family member.

§24-75. Auction sales.

No person shall sell, at public auction, any article or material at the market, without having first obtained a permit from the city manager.

§24-76. Requirement of a *license* lease or permit; prohibited uses of spaces and tables; penalties.

- (a) Market spaces or stalls shall be used only by persons, including their agents and employees, possessing a valid lease license or permit issued by the city manager. and the agents and employees of such lessees or permittees.
- (b) No person shall sit or lie on or under market tables or make any use of any market space or stall other than those uses authorized by this article or by a valid license or permit issued by the city manager.
- (c) Violation of this section shall constitute a class 4 misdemeanor. A second or subsequent violation of this section shall constitute a class 2 misdemeanor.

§24-77. Rules and Regulations for use of market spaces.

The city manager is authorized to promulgate rules and regulations, including modifications thereto, for the operation and use of the market spaces.

	2.	Pursuant to Section 12 of the City Charter, the second reading of this ordinance
by tit	le is here	eby dispensed with.
		ATTEST:
		City Clerk.



CITY OF ROANOKE OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

June 16, 2003

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Beverly T. Fitzpatrick, Jr., Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Membership in the Blue Ridge Soil and Water Conservation District

The Blue Ridge Soil and Water Conservation District (Blue Ridge District) is an autonomous elected body with the mission of promoting conservation of natural resources. This is accomplished through educational programs and technical assistance to citizens that live within the Blue Ridge District. This includes Henry, Franklin and Roanoke Counties.

Soil and water conservation districts were first established in the 1930s to develop programs to prevent soil erosion and control floods. Virginia now has forty-seven districts. Their role has been expanded to include grant administration and implementation of programs to control non-point source pollution. Virginia's districts receive funding primarily from the Virginia Department of Conservation and Recreation (DCR). They also receive technical support from the federal Department of Agriculture's Natural Resources Conservation Service.

The Honorable Mayor and Members of Council Membership in the Blue Ridge Soil and Water Conservation District June 2, 2003 Page 2

The City of Roanoke is eligible to join the Blue Ridge District upon petitioning the State Soil and Water Conservation Board. If accepted, the City would be allotted two representatives on the Blue Ridge District Board of Directors. These are voluntary service positions with 4 year service terms elected by City voters, generally in the fall election cycle. Initially, the Blue Ridge District Board of Directors would appoint these two positions if Roanoke was granted membership between regularly scheduled elections.

There is no cost associated with membership. The City would bear some small election-related expense in selecting candidates for the Board of Directors every four years. The District does ask, however, for voluntary contributions from its member localities to support its programs. Most of the localities do provide some level of support typically less than Ten Thousand Dollars annually. Joining the Blue Ridge District would enable City residents to utilize the District's educational, technical and grant programs.

Recommended Action:

Authorize the City Manager to prepare the necessary documents to petition the State Soil and Water Conservation Board for membership in the Blue Ridge Soil and Water Conservation District. If approved, authorize the City Manager to execute any documents necessary for the City to become a member of the District; such documents to be approved as to form by the City Attorney.

Respectfully submitted,

Darlene L. Bureham

City Manager

DLB/mtm

Jesse A. Hall, Director of Finance
 William M. Hackworth, City Attorney
 Mary F. Parker, City Clerk
 George C. Snead, Jr., Assistant City Manager for Operations
 Rolanda Russell, Assistant City Manager for Community Development
 Michael McEvoy, Director of Utilities
 Steve Buschor, Director of Parks and Recreation
 Brian Townsend, Director of Planning, Building and Development

CM03-00096



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the City Manager to prepare the necessary documents to petition the State Soil and Water Conservation Board for the City to become a member of the Blue Ridge Soil and Water Conservation District; and to take other related actions as necessary.

WHEREAS, the Blue Ridge Soil and Water Conservation District (Blue Ridge District) is an autonomous elected body with the mission of promoting conservation of natural resources, accomplished through educational programs and technical assistance to citizens of Henry, Franklin and Roanoke Counties;

WHEREAS, membership of the City of Roanoke in the Blue Ridge District will enable City residents to utilize the Blue Ridge District's educational, technical and grant programs; and

WHEREAS, two representatives will be appointed initially, by the Blue Ridge District Board of Directors, if Roanoke is granted membership between regularly scheduled elections; thereafter two representatives, with four year terms, will be elected by City voters at regularly scheduled elections.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke that:

1. The City Manager and the City Clerk, are hereby authorized, for and on behalf of the City, to execute and attest, respectively, the necessary documents to petition the State

Soil and Water Conservation Board for the City to become a member of the Blue Ridge District; and to take other related actions as necessary, as recommended in the City Manager's letter to this Council dated June 16, 2003.

2. The form of the documents shall be in form approved by the City Attorney.

ATTEST:

City Clerk.



CITY OF ROANOKEOFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

June 16, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Council Member, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject:

Acceptance of 2003-2004 Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME) and Emergency Shelter Grant (ESG) Program Funds

Background:

CDBG, HOME and ESG funds provide for a variety of activities ranging from housing and community development to homelessness prevention and economic development through the U.S. Department of Housing and Urban Development (HUD). The City has received these entitlement grant funds for over twenty years and must reapply annually to HUD to receive such funding. On May 12, 2003, by Resolution No.36326-051203, City Council authorized filing the three separate funding applications as part of approving the submission of the Annual Update to the Consolidated Plan to HUD.

Considerations:

The funding release process is underway, and HUD's letter of approval is forthcoming, granting the City access to its 2003-2004 CDBG, HOME and ESG entitlement of

\$3,043,716. In addition, \$369,870.00 unexpended from prior year accounts and \$615,051 in anticipated program income is also included in this appropriation for FY 2003-2004 activities. Acceptance of these funds and appropriation to the accounts indicated in Attachments 1, 2, and 3 are needed to permit projects to proceed. Acceptance of the 2003-2004 HOME entitlement requires \$89,923 in local match; however, no outlays of City funds will be needed to meet this requirement.

Recommended Actions:

 Adopt a resolution accepting the 2003-2004 CDBG, HOME and ESG entitlement funds as detailed below, contingent upon receipt of the approval letter from HUD;

TOTAL	\$3,043,716
ESG 2003-04 Entitlement	77,000
HOME 2003-04 Entitlement	759,716
CDBG 2003-04 Entitlement	\$2,207,000

- 2. Authorize the City Manager to execute the required Grant Agreements, Funding Approval, and other forms required by HUD in order to accept the funds, approved as to form by the City Attorney;
- 3. Appropriate \$3,043,716 entitlement and \$615,051 in anticipated program income to revenue and expenditure accounts in the Grant Fund to be established by the Director of Finance, as detailed in Attachment 1, 2, and 3;
- 4. a. Increase the revenue estimates in the following CDBG revenue accounts:

Home Ownership Assistance 035-G03-0300-2222 by \$ 7,744 Hotel Roanoke 108 Loan Repay 035-G03-0300-2234 by \$268,202

b. Appropriate the funds listed in 4.a. to the following CDBG expenditure accounts:

Hotel Roanoke 108 Loan Repay 035-G03-0330-5135 \$275,946

5. a. Increase the revenue estimates in the following HOME revenue accounts:

HOME - FY 02	035-090-5324-5320	by \$16	,612
HOME - PI - FY 02	035-090-5324-5324	by \$	801
HOME - PI - FY 03	035-090-5325-5325	by \$41	,329

b. Appropriate the funds listed in 5.a. to the following HOME expenditure accounts:

Connect Four SE	035-090-5324-5386	by \$17,413
Connect Four SE	035-090-5325-5386	by \$41,329

6. Transfer \$35,182 in CDBG, HOME and ESG accounts from prior years to projects included in the 2003-2004 CDBG, HOME and ESG programs, detailed in Attachments 1, 2, and 3.

Respectfully submitted,

Darlene L. Burcham

City Manager

DLB:vst

Attachment

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Frank E. Baratta, Budget Team Leader

CM03-00107

ITEMIZED EXPENDITURES FOR HOME FISCAL YEAR 2003-2004

Account No.	Item Description	Amount
	EXPENDITURES	
	EXITEREMENT	
035-090-5311-5386	Connect Four SE	\$220,43
035-090-5311-5384	Connect Four SE (CHDO Project)	\$113,9
035-090-5311-5385	Connect Four SE (CHDO Operating)	\$11,3
035-090-5311-5387	Connect Four SE (HOME Admin.)	\$8,9
035-090-5311-5379	Southeast Pilot Project	\$210,0
035-090-5311-5380	Southeast Pilot Project (HOME Admin.)	\$20,0
035-090-5311-5283	RRHA Washington Park Housing Enhancement	\$180,0
035-090-5311-5381	RRHA Washington Park Housing Enhancement (HOME Admin)	\$20,0
	TOTAL EXPENDITURES	\$784,7
	REVENUE	
035-090-5311-5311	HOME Entitlement	¢750.7
035-090-5311-5311	HOME Program Income FY04	\$759,7 \$25,0
		Ψ20,0
	TOTAL REVENUE	\$784,7
t .	HOME ACCOUNT TRANSFERS	
	INCREASE	
035-090-5309-5386	Connect Four SE	\$5,8
035-090-5324-5386	Connect Four SE	\$8,4
	Total Transfer Increase	\$14,3
	DECREASE	
035-090-5309-5333	Consolidated Rehab Loans	\$5,8
035-090-5324-5320	Consolidated Rehab Loans	\$8,4
	Total Transfer Decrease	\$14,3
	NODE AGE DEVENUE FORMATES	
035-090-5324-5320	INCREASE REVENUE ESTIMATES	M 400
035-090-5324-5320	HOME - FY 02 HOME PI-FY02	\$16,6
035-090-5325-5325	HOME PI-FY02 HOME PI-FY03	\$8 \$41,3
	Total Revenue Increase	\$58,7
	APPROPRIATE TO:	
035-090-5324-5386	Connect Four SE	\$17,4
035-090-5325-5386	Connect Four SE	\$41,3
	Total Appropriation	\$58,7



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2003-2004 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2003-2004 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Community Development Block Grant FY04 (1-50)	\$ 2,797,051 3,032,210 3,612,926
Community Development HOME Program HOME Investment Partnership FY04 (55-62) HOME Investment Partnership FY03 (63) HOME Investment Partnership FY02 (64-68)	\$ 5,179,894 784,716 802,329 798,510
Health and Welfare Emergency Shelter Grant FY04 (69-72)	4,612,284 77,000
Revenues	
Community Development Block Grant FY04 (73-82) Community Development Block Grant FY03 (83-84)	
Community Development HOME Program HOME Investment Partnership FY04 (85-86) HOME Investment Partnership FY03 (87) HOME Investment Partnership FY02 (88-89)	5,179,894 784,716 802,329 798,510
Health and Welfare Emergency Shelter Grant FY04 (90)	4,612,284 77,000

1)	Care/Quick Response -		
•	Program	(035-G04-0420-5003)	\$ 125,000
2)	Care/Quick Response -		
	Support	(035-G04-0420-5374)	55,000
3)	Care/Quick Response -		
	Administration	(035-G04-0420-5375)	15,000
4)	Empowering Individuals		
	With Disabilities	(035-G04-0420-5057)	26,800
5)	TAP - Helping Elderly	(035-G04-0420-5080)	67,000
6)	Demolition	(035-G04-0420-5108)	90,000
7)	BRHDC Connect Four	(035-G04-0420-5354)	119,796
8)	Connect Four - Support	(035-G04-0420-5382)	23,000
9)	Connect Four Administration	(035-G04-0420-5383)	31,653
10)	Southeast Pilot Project -	•	
,	RRHA	(035-G04-0420-5369)	75,000
11)	Southeast Pilot Project -	•	
,	Support	(035-G04-0420-5376)	140,000
12)	Southeast Pilot Project -	•	
•	Administration	(035-G04-0420-5378)	30,000
13)	Independent Housing -	,	
,	Special Needs	(035-G04-0420-5396)	200,000
14)	In-Fill Development Initiative	(035-G04-0420-5397)	150,000
15)	Habitat-For-Humanity	(035-G04-0420-5398)	151,771
16)	Mortgage Assistance Program	(035-G04-0420-5399)	100,000
17)	RAM House Improvements	(035-G04-0420-5400)	20,000
18)	Rebuilding Neighborhoods	(035-G04-0420-5401)	25,000
19)	Fair Housing Study	(035-G04-0421-5284)	10,000
20)	Daycare Services Initiative	(035-G04-0421-5402)	15,000
21)	Historic Review Services	(035-G04-0421-5403)	5,000
22)	Housing Strategy Development	(035-G04-0421-5404)	50,000
23)	Planning Assistance for	,	
,	Target Neighborhoods	(035-G04-0421-5405)	40,000
24)			,
,	Development :	(035-G04-0430-5021)	70,350
25)	Hotel Roanoke 108 Interest	(035-G04-0430-5135)	257,737
26)	Presbyterian Community	,	•
•	Renovations	(035-G04-0437-5406)	50,000
27)	SE Project, Façade Grants	(035-G04-0437-5407)	100,000
28)	SE Project, Infrastructure	(035-G04-0437-5408)	370,000
29)	Mini-Grants Melrose/Rugby	(035-G04-0437-5249)	2,000
30)	Mini-Grants Loudon/ Melrose	(035-G04-0437-5257)	1,600
31)	Mini-Grant Old Southwest, Inc.	(035-G04-0437-5409)	1,870
32)	Neighborhood Development	,	•
,	Grants	(035-G04-0437-5028)	9,885
33)	Mini-Grant Loudon/ Melrose	(035-G04-0437-5245)	10,000
34)	Neighborhood Development -		•
•	Lead Based	(035-G04-0437-5361)	10,000
		•	

35)	Melrose/ Rugby		
,	Neighborhood Forum - NDG	(035-G04-0437-5410)	\$ 10,000
36)	Northwest Neighborhood	•	
•	Improvement - NDG	(035-G04-0437-5411)	4,645
37)	Empowering Individuals		
	With Disabilities	(035-G04-0438-5057)	16,750
38)	Apple Ridge Farm	(035-G04-0438-5084)	17,420
39)	City-Wide Youth Program	(035-G04-0438-5153)	16,750
40)	Emergency Assistance Fund	(035-G04-0438-5158)	35,000
41)	West End Center	(035-G04-0438-5160)	17,886
42)	YMCA - Hurt Park	(035-G04-0438-5169)	32,297
43)	Resource Mothers	(035-G04-0438-5222)	20,000
44)	Business Training Initiative -		
	FDETC	(035-G04-0438-5263)	16,750
45)	CHIP Family		
	Strengthening Support	(035-G04-0438-5299)	17,699
46)	YWCA Youth Club	(035-G04-0438-5350)	16,750
47)	Presbyterian Family Services	(035-G04-0438-5372)	50,000
48)	Individual Development		
	Account	(035-G04-0438-5412)	33,442
49)	SE Healthcare Transportation	(035-G04-0438-5413)	18,000
50)	Summer Camp Scholarship -	(005 004 0400 5444)	05.000
	B & G	(035-G04-0438-5414)	25,200
51)	Hotel Roanoke 108 Interest	(035-G03-0330-5135)	275,946
52)	Hotel Roanoke 108 Interest	(035-G02-0230-5135)	20,824
53)	Unprogrammed CDBG Other	(035-G02-0240-5189)	(1,703)
54)	Unprogrammed CDBG RRHA	(035-G02-0240-5197)	(19,121)
55)	Connect Four SE	(035-090-5311-5386)	220,430
56)	Connect Four - CHDO Project	(025 000 5244 5284)	442.057
F-7\	SE	(035-090-5311-5384)	113,957
57)	Connect Four Operating SE	(035-090-5311-5385)	11,396
58)	Connect Four Administration	(03E 000 E311 E397)	0.000
EO)	SE South and Bilat Project	(035-090-5311-5387)	8,933
59)	Southeast Pilot Project	(035-090-5311-5379)	210,000
60)	Southeast Pilot Project -	(03E 000 E314 E390)	20,000
61)	Administration	(035-090-5311-5380)	20,000
61)	Washington Park/Hope VI Washington Park/Hope VI	(035-090-5311-5283)	180,000
62)	Administration	(035-090-5311-5381)	20,000
63)	Connect Four SE	(035-090-5325-5386)	41,329
64)	Connect Four SE	(035-090-5325-5386)	5,895
,	Connect Four SE	•	8,463
65) 66)	Consolidated Rehabilitation	(035-090-5324-5386)	0,403
00)	Loans RRHA	(035-090-5309-5333)	(5,895)
67)	Unprogrammed - HOME	(035-090-5309-5333)	(5,895) (8,463)
68)	Connect Four SE	(035-090-5324-5386)	17,413
69)	ESG - Trust	(035-630-5174-5251)	30,260
70)	ESG - RAM House	(035-630-5174-5252)	16,840
. •,		(555 555 577 5252)	. 0,0 . 0

71)	ESG - TAP Transitional Living Center	(035-630-5174-5253)	\$ 20,000
72)	ESG - Roanoke Valley	(000-000-0174-0200)	Ψ 20,000
12)	Interfaith Hospitality Network	(035-630-5174-5254)	9,900
73)	CDBG - Entitlement	(035-G04-0400-2401)	2,207,000
74)	Other Program Income -	(000 00 / 0 / 00 2 / 0 /)	_,,,
,	RRHA	(035-G04-0400-2403)	15,000
75)	Lease Payment - Cooper	(11111111111111111111111111111111111111	,
,	Industries	(035-G04-0400-2406)	13,333
76)	Sands Woody Loan	,	,
,	Repayment	(035-G04-0400-2417)	6,722
77)	TAP - SRO Loan Repayment	(035-G04-0400-2420)	5,618
78 ⁾	Homeownership Assistance	•	
-	Atlantic	(035-G04-0400-2422)	15,000
79)	Lagniappe Loan Repayment	(035-G04-0400-2431)	7,620
80)	Downtown Associates	(035-G04-0400-2433)	1,758
81)	Hotel Roanoke Section 108		
	Loan Repayment	(035-G04-0400-2434)	500,000
82)	Rental Rehabilitation		
	Repayment	(035-G04-0400-2440)	25,000
83)	Homeownership Assistance		
	Atlantic	(035-G03-0300-2222)	7,744
84)	Hotel Roanoke Section 108		
	Loan Repayment	(035-G03-0300-2234)	268,202
85)	HOME Federal 03-04	(035-090-5311-5311)	759,716
86)	HOME Program Income -	(005 000 5000 5000)	05.000
071	FY04	(035-090-5326-5326)	25,000
87)	HOME Program Income -	(005 000 5005 5005)	44.000
00)	FY03	(035-090-5325-5325)	41,329
88)	HOME Program Income - First Union FY02	(03E 000 E334 E330)	40 040
901		(035-090-5324-5320)	16,612
89)	HOME Program Income - RRHA FY02	(025 000 5224 5224)	801
90)		(035-090-5324-5324)	OU 1
2 0)	Emergency Shelter Grant FY 04	(035-630-5174-5175)	77,000
	Giant FT 04	(000-000-0114-0110)	11,000

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

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IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA.

A RESOLUTION accepting the Fiscal Year 2003-2004 funds for the Community Development Block Grant (CDBG) program, the HOME Investment Partnerships program (HOME) and the Emergency Shelter Grant (ESG) program and authorizing the City Manager to execute the requisite Grant Agreements with the United States Department of Housing and Urban Development (HUD).

BE IT RESOLVED by the Council of the City of Roanoke as follows:

- 1. The Fiscal Year 2003-2004 funds for the CDBG, HOME and ESG programs are hereby ACCEPTED, upon receipt of approval letters from HUD.
- 2. The City Manager is authorized to execute, and the City Clerk is authorized to attest, the requisite Grant Agreements with the United States Department of Housing and Urban Development for such funds, the Funding Approvals, and any and all understandings, assurances and documents relating thereto, in such form as is approved by the City Attorney, as more particularly set out in the City Manager's letter dated June 16, 2003, to City Council.

ATTEST:

City Clerk.



CITY OF ROANOKEOFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

June 16, 2003

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice-Mayor Honorable William D. Bestpitch, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Beverly T. Fitzpatrick, Jr., Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject:

Transfer of Grant Match

Funds

Background:

On March 29, 2002 City Council authorized the City Manager to enter into a contract with Randall Funding and Development, Inc. (RFD) to provide grant search and grant writing services. In an effort to support this initiative, on September 16, 2002 City Council also authorized the appropriation of \$100,000 from Capital Maintenance and Equipment Replacement (CMERP) funds to be set aside strictly for the purpose of providing necessary matching funds as grant opportunities arose. These funds were appropriated in the General Fund in account 001-250-9310-9535, Transfer to Grant Fund, and the funds are available to be transferred to the Grant Fund.

Currently, RFD has been authorized to write and submit more than \$4.4 million of grant opportunities. To date, proceeds have been awarded in the total amount of \$789,207. Matching funds are anticipated to be needed for two grant opportunities currently in the process of being written. In anticipation of this need, Council is asked to appropriate these CMERP funds into an appropriate account for the purpose of making the matching funds available for use after June 30, 2003.

Considerations:

City Council authority is needed to appropriate these funds and authorize the Director of Finance to establish a revenue estimate and appropriate funding to reserve the funds as a source for matching funds as needed for grant opportunities.

Recommended Action:

Authorize the Director of Finance to establish a Transfer from General Fund revenue estimate in the amount of \$100,000 and appropriate funding in the same amount to an account to be established in the Grant Fund entitled "Local Match Funding for Grants". This account may be used as grants are awarded to provide local match to specific grants.

Respectfully submitted,

Ademorrechan

Darlene L. Burcham

City Manager

DLB:acm

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Barry L. Key, Director of Management and Budget
Sherman M. Stovall, Budget Administrator

CM03-00112



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

General Government Local Match Funding for Grants (1)					\$	162,692 100,000
Revenues						
General Government Local Match Funding for Grants (2)					\$	162,692 100,000
1) 2)	Local Match Funding For Grants Local Match Funding For Grants	(035-300-9700-5415)	\$	100,000		
		(035-300-9700-5207)		100,000		

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKE OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

June 16, 2003

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr. Council Member Honorable Beverly T. Fitzpatrick, Jr. Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Mopeds, Bicycles and Electric Power-Assisted Bicycles Ordinance

Background:

Currently available mopeds have greater power than the mopeds of years past and have become popular among teens in our City. These higher powered mopeds are frequently operated on City streets by juveniles who have not received driver training. The improper use of mopeds causes serious traffic problems as well as unnecessary accidents. The Police Department has investigated moped accidents which would have been preventable with proper operation of the moped. Due to the lack of a registration system for mopeds, the Police Department continues to experience difficulty investigating reported thefts of these mopeds. Additionally, mopeds are often used as a method of trafficking drugs.

Code of Virginia sections 15.2-1720 and 46.2-915.2 enable municipalities to implement local regulations governing the operation and registration of mopeds. The City Attorney has drafted an ordinance which provides for the regulation of mopeds and electric power assisted bicycles. The proposed ordinance will help the Police Department track the operation and ownership of mopeds, especially those that are operated recklessly or used in illegal drug trade. The implementation of the ordinance will be July 1, 2003 with an effective date delayed sixty days to allow effective registration and education.

This ordinance requires receiving monies and processing paperwork associated with the registration of the moped. There will be a five dollar (\$5.00) registration fee for mopeds. When the registration is changed from one person to another or from one The Honorable Mayor and Members of City Council June 16, 2003 Page 2

moped to another, there will be a fee of five dollars (\$5.00). When a number plate or tag is issued to replace one that has been mutilated, lost, stolen or misplaced, there will be a fee of one dollar (\$1.00). When any police officer or other officer charged with the duty of enforcing the ordinances of the city discover an unregistered moped in any public place in the possession or control of any person, the officer may take custody of such moped and impound it. Impounded mopeds will be released only after showing satisfactory proof of ownership, payment of five dollars (\$5.00) for storage charges, and proper registration and display of a tag or number plate by the owner or an agent of the owner. Fees will be collected for the purpose of defraying the costs and expenses incident to the registration of such mopeds and carrying out the provisions of Chapter 20, Motor Vehicles and Traffic.

Recommended Actions:

Amend the Code of the City of Roanoke (1979), as amended, by adding a new Article VII, Mopeds, Bicycles and Electric Power-Assisted Bicycles to Chapter 20, Motor Vehicles and Traffic. Authorize the Office of the City Treasurer and the Police Department to establish procedures for the registration of mopeds.

Respectfully submitted,

Darlene L. Búrcham City Manager

DLB:wa

c: David C. Anderson, City Treasurer
Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Rolanda B. Russell, Assistant City Manager
A. L. Gaskins, Chief of Police

CM03-00116



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE amending the Code of the City of Roanoke (1979), as amended, by adding a new Article VII, <u>Mopeds</u>, <u>Bicycles and Electric Power-Assisted Bicycles</u>, to Chapter 20, <u>Motor Vehicles and Traffic</u>; providing for an effective date; and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. The Code of the City of Roanoke (1979), as amended, is hereby amended and reordained by the addition of new Article VII, Mopeds, Bicycles and Electric Power-Assisted Bicycles, to Chapter 20, Motor Vehicles and Traffic, to read and provide as follows:

ARTICLE VII

MOPEDS, BICYCLES AND ELECTRIC POWER-ASSISTED BICYCLES

§20-131. Definition, age of operation.

The term "bicycle" as used in this chapter, means any device propelled solely by human power, having pedals, two or more wheels, and a seat height of more than twenty-five inches from the ground when adjusted to its maximum height (a recumbent device shall be deemed a bicycle regardless of seat height).

The term "electric power-assisted bicycle" as used in this chapter means a bicycle equipped with an electric motor that reduces the pedal effort required of the rider, but does not eliminate the rider's need to pedal. For purposes of this article, an electric power-assisted bicycle shall be a vehicle when operated on a street.

The term "moped" is defined as a conveyance that is either (a) a bicyclelike device with pedals and a helper motor which is rated at no more than two (2) brake horsepower and produces speeds up to a maximum of thirty (30) miles per hour or (b) a motorcycle with an engine displacement of fifty (50) cubic centimeters or less and a maximum speed of less than thirty (30) miles per hour. For purposes of this article, a moped shall be a vehicle when operated on a street.

No person under the age of sixteen (16) years shall operate a moped on any street in the city.

§20-132. Penalties.

Any person who shall remove, change, alter or mutilate any electric power-assisted bicycle or moped frame number in violation of section 20-141 of this article shall be deemed guilty of a class 3 misdemeanor; and except as otherwise provided herein, any person who shall violate any other provision of this article shall be deemed guilty of a traffic infraction which shall be punishable by a fine of not more than two hundred dollars (\$200.00).

§20-133. Sale, rental of electric power-assisted bicycles and mopeds—Information required.

Information regarding the sale or rental of electric power-assisted bicycles and mopeds shall be available to the chief of police upon the chief's request from vendors and lessors of electric power-assisted bicycles and mopeds.

§20-134. <u>Summons</u>.

Whenever any police or other officer charged with the duty of enforcing this article shall discover any person violating any of the provisions of this article, such officer shall take the name and address of such person and issue a summons to or otherwise notify such person in writing, if such person be under eighteen (18) years of age, to appear before the judge of the juvenile and domestic relations court of the city and if such person be eighteen (18) years of age or over, to appear before the general district court of the city, at a time to be specified in such summons or notice, to be there dealt with according to the provisions of this article and the laws of the state applicable thereto.

Division 2. Registration.

§20-135. Required for mopeds.

It shall be unlawful for any person who resides in the city to operate or use a moped upon any of the streets of the city, or for any parent or guardian to allow any person under the age of eighteen (18) years, who resides in the city, to operate or use a moped upon any of the streets of the city unless such moped has been properly registered as hereinafter provided.

§20-136. When due.

Any person acquiring a moped shall have the same registered, or if registered, have the registration thereof transferred to such person, within fifteen (15) days after the acquisition thereof. Those persons who own mopeds when this ordinance becomes effective shall have sixty (60) days from the effective date in which to register their mopeds.

§20-137. Application.

The registration of mopeds shall be upon written application therefor made to the chief of police or his or her designee on forms prescribed by the chief of police or his or her designee, and shall be made by the owner thereof, or, if owner is under eighteen (18) years of age, the same may be made for him by his or her parents or guardian.

§20-138. Fees.

When a moped is registered, there shall be paid as a fee the sum of five dollars (\$5.00). When the registration is changed from one person to another or from one moped to another, there shall be paid the sum of five dollars (\$5.00). When a number plate or tag is issued to replace one that has been mutilated, lost, stolen or misplaced, there shall be paid the sum of one dollar (\$1.00). Such sums shall be paid to the City Treasurer, and shall be used for the purpose of defraying the costs and expenses incident to the registration of such mopeds and carrying out the provisions of this article.

§20-139. Issuance of card, tag.

Upon proper application for registration of a moped, and the payment of the registration fee required by this article, the chief of police or his or her designee shall issue to the applicant a registration card and a number plate or tag, in such form as shall be prescribed by the chief of police or his or her designee. The number plate or tag shall be provided by the city at no cost to the applicant.

§20-140. Display of tag.

The number plate or tag issued under the provisions of this article shall be kept securely fixed in a conspicuous place on the rear of the frame of the moped for which the same was issued.

§20-141. Change in frame number.

It shall be unlawful for any person to remove, change, alter or mutilate any electric power-assisted bicycle or moped frame number; provided, however, that when any moped is registered hereunder and it appears that the frame number has become obliterated or is illegible, or that the same has no frame number, the chief of police or his or her designee may place or cause to be placed a frame number thereon for registration purposes.

§20-142. Records.

The chief of police or his or her designee shall keep a complete record of all mopeds registered pursuant to this article, showing the name and address of the owner thereof, the make, class and frame number of such moped, the number of the registration plate or tag issued therefor, and such other information as the chief of police or his or her designee may prescribe.

§20-143. Lost or mutilated number plates or tags.

When any number plate or tag is badly mutilated, lost, stolen or misplaced and cannot be found, upon satisfactory evidence of such fact being presented to the chief of police or his or her designee, the chief of police shall issue another number plate or tag, and shall change the registration of such moped accordingly.

§20-144. Transfer generally.

It shall be unlawful for any person to attach any number plate or tag issued under the provisions of this article to any moped other than the one for which the same was issued.

§20-145. Transfer of ownership.

When any moped registered under the provisions of this article shall be transferred to another, the same shall be reported to the chief of police or his or her designee, together with the name and address of the person to whom the moped was transferred and the registration thereof shall be changed accordingly.

§20-146. <u>Impoundment of abandoned or unregistered electric power-assisted bicycles and mopeds.</u>

(a) Any moped found without a number plate or tag issued pursuant to section 20-139 of this article and unattended shall be deemed abandoned. If a reasonable attempt to locate the owner or user in the

immediate vicinity of the moped fails to produce such owner or user, any moped so abandoned shall be taken into custody and impounded by the chief of police or any officer of the police department.

- (b) Any unattended electric power-assisted bicycle found under such times and circumstances that indicate it has been lost or stolen shall be deemed abandoned. If a reasonable attempt to locate the owner or user in the immediate vicinity of the electric power-assisted bicycle fails to produce the owner or user, any electric power-assisted bicycle so abandoned shall be taken into custody and impounded by the chief or police or any officer of the police department.
- (c) No abandoned electric power-assisted bicycle or moped shall be released or removed from impoundment except upon satisfactory showing of ownership and, in the case of mopeds, display of a city registration certificate and proper display of a tag or number plate by the owner or an agent of the owner.
- (d) If an abandoned electric power-assisted bicycle or moped is not reclaimed within thirty (30) days from the date of impounding, the chief of police or the chief's agent shall provide for the public sale or donation to a charitable organization of such bicycle or moped.
- (e) Any bicycle, electric power-assisted bicycle or moped found and delivered to the police department by a private person which thereafter remains unclaimed for thirty (30) days after the final date of publication as required herein may be given to the finder; however, the location and description of the bicycle or moped shall be published at least once a week for two successive weeks in a newspaper of general circulation in the city. In addition, if there is a license tag affixed to the bicycle, electric power-assisted bicycle or moped, the record owner shall be notified directly.

§20-147. Impoundment of unregistered mopeds.

(a) When any police officer or other officer charged with the duty of enforcing this article shall discover any unregistered moped in any public place in the possession or control of any person, the officer may take custody of such moped and impound the same. Any moped so impounded shall be released only upon a satisfactory showing of ownership, payment of five dollars (\$5.00) for storage charges, and proper registration and display of a tag or number plate by the owner or an agent of the owner.

- (b) Any juvenile whose moped is impounded pursuant to this section shall be escorted forthwith to his or her place of residence or other appropriate place.
- (c) An officer impounding a moped under this section shall inform the person from whom possession or control of the moped was removed of the provisions of this section. Upon the taking of the moped into the officer's possession, the officer shall mail or hand-deliver a notice containing the provisions of this section. In the case of a juvenile, such notice shall be mailed or hand-delivered to the juvenile's parent or guardian.
- (d) If any moped impounded under this section is not reclaimed within thirty (30) days from the date of impounding, the chief of police or an agent of the chief of police shall cause the moped to be sold or donated in accordance with section 20-146(d) of this article.

Division 3. Operation.

§20-148. Compliance with traffic signals.

Every person riding a bicycle, electric power-assisted bicycle or moped over any public street shall comply with all traffic signs, signals and lights and with all directions by voice, hand or otherwise, given by any officer of the police department and shall have all of the rights and duties applicable to the driver of a motor vehicle, unless the context of the city code clearly indicates otherwise.

§20-149. Hand on handlebars.

No person shall ride a bicycle, electric power-assisted bicycle or moped on any street without having at least one of his or her hands upon the handlebars and no person operating a bicycle or moped on a street shall carry any package, bundle, or article which prevents the driver from keeping at least one hand on the handlebars.

§20-150. Riding on sidewalks.

No person shall ride a bicycle, electric power-assisted bicycle or moped upon any sidewalk or cross a roadway on a crosswalk, whether paved or unpaved, in the city.

§20-151. Reckless riding.

No person shall ride a bicycle, electric power-assisted bicycle or moped recklessly or at a speed or in a manner so as to endanger the life, limb or property of the rider or of any other person.

§20-152. Carrying other persons.

No person riding a one-seated bicycle or electric power-assisted bicycle shall carry any additional person on the same.

§20-153. Holding on to moving vehicle.

No person riding a bicycle, electric power-assisted bicycle or moped shall take or catch hold of or attach the same or himself to any moving automobile, bus or other vehicle of any kind upon any street, for the purpose of being drawn or propelled by the same.

§20-154. Hand signals.

Before turning or altering the course of operation of any bicycle or electric power-assisted bicycle, the operator thereof shall give signals by extension of the hand to indicate the direction in which it is intended to proceed.

Operators of mopeds shall use the electronic signaling devices that the moped is equipped with before turning or altering course of operation. If operating a moped with malfunctioning signal devices, or no signaling devices, the operator shall use hand signals.

§20-155. Method of riding.

Every person riding a bicycle, electric power-assisted bicycle or moped on any street shall keep as close as practicable to the right-hand side of the roadway, except under any of the following circumstances:

- 1. When overtaking and passing another vehicle proceeding in the same direction;
- 2. When preparing for a left turn at an intersection or into a private road or driveway; and
- 3. When reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, pedestrians, animals, surface hazards, or substandard width lanes that make it unsafe to continue along the right curb or edge.

For purposes of this section, a "substandard width lane" is a lane too narrow for a bicycle, electric power-assisted bicycle or moped and another vehicle to pass safely side by side within the lane.

Persons riding bicycles or electric power-assisted bicycles on a street shall not ride two or more abreast except on paths or parts of streets set aside for the exclusive use of bicycles. Mopeds shall not ride on paths or parts of streets set aside for the exclusive use of bicycles. Persons riding mopeds on a street shall not ride two or more abreast.

§20-156. Brakes.

Every bicycle, electric power-assisted bicycle or moped operated on any street shall be equipped with adequate brakes.

§20-157. Lamps.

Every bicycle, electric power-assisted bicycle or moped when in use between sunset and sunrise shall be equipped with a lamp on the front which shall emit a white light visible in clear weather from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type approved by the chief of police or his designee which shall be visible from all distances in clear weather from fifty (50) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible in clear weather from a distance of five hundred (500) feet to the rear may be used in lieu of or in addition to the red reflector. Such lights and reflector shall be of types approved by the chief of police or his or her designee.

§20-158. Riding out of lanes, alleys and driveways.

Every person riding a bicycle, electric power-assisted bicycle or moped out of a lane, alley or private driveway across a sidewalk or sidewalk area shall first bring such bicycle, electric power-assisted bicycle or moped to a stop before crossing such sidewalk or sidewalk area.

§20-159. Law enforcement officers.

- (a) Any law-enforcement officer of the city, operating a bicycle, electric power-assisted bicycle or moped during the course of his or her duties, shall be exempt from the provisions of this division.
- (b) Any bicycle, electric power-assisted bicycle or moped being operated by a law-enforcement officer of the city, during the course of his or her duties, shall be deemed to be a law- enforcement vehicle and shall have the same rights and privileges as any other law-enforcement vehicle

when the bicycle or moped is being operated in response to an emergency call, while engaged in rescue operations or in the immediate pursuit of an actual or suspected violator of the law.

§20-160. Requirement of safety equipment for mopeds.

- (a) Any person who operates a moped on a public street shall wear a face shield, safety glasses, or goggles of a type approved by the superintendent of the Virginia State Police, or have the moped equipped with safety glass or a windshield at all times while operating such moped, and operators and passengers thereon, if any, shall wear a protective helmet of a type approved by the superintendent of the Virginia State Police
- (b) Any person who knowingly violates this section shall be guilty of a traffic infraction and be subject to a fine of not more than fifty dollars (\$50.00).
- (c) A violation of this section shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a moped, nor shall anything in this section change any existing law, rule, or procedure pertaining to any civil action.

§20-161. Persons riding upon mopeds.

No person other than the operator thereof shall ride upon a moped unless such moped is designed to carry more than one (1) person, in which event a passenger may ride upon a separate and permanent seat attached thereto; provided, however, that such moped is also equipped with a footrest for such passenger. A violation of this section shall constitute a traffic infraction punishable by a fine of not more than two hundred dollars (\$200.00).

- 2. This ordinance shall be in full force and effect on and after July 1, 2003.
- 3. Pursuant to Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

AT	TEST



CITY OF ROANOKE OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

June 16, 2003

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Beverly T. Fitzpatrick, Jr. Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject:

Comprehensive Services

Act Supplemental

Allocation

Background

The Comprehensive Services Act (CSA) established in 1993, provides residential and non-residential treatment services to troubled and at-risk youth and their families through a collaborative system of state and local agencies, parents and private sector providers. These services include mandated foster care, certain special education services, and foster care prevention. CSA also provides services to certain targeted non-mandated populations.

Considerations:

CSA expenditures are projected at \$8,972,339. These expenditures exceed the CSA appropriation of \$8,400,000 by \$572,339 and require an additional local share in the amount of \$175,823. Three hundred ninety six thousand five hundred sixteen dollars (\$396,516) of the additional expense will be reimbursed by the State. Expenditures are over budget due to an increase in the number of children requiring intensive specialized foster care.

Honorable Mayor and Members of Council June 16, 2003 Page 2

Recommended Action:

- Increase the General Fund Revenue estimate by \$396,516 to CSA Revenue Account Number 001-110-1234-0692
- Transfer funds in the amount of \$175,823 for the local share from personnel lapse account 001-300-9410-1090.
- Appropriate funding in the amount of \$572,339 to the following accounts:

001-630-5410-3182 001-630-5410-3191 \$343,403 228,936

Respectfully submitted,

Darlene L. Burcham City Manager

1 B ::

DLB:rji

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Barry L. Key, Director of Management and Budget
Vickie L. Price, Acting Director of Human Services

Rolanda B. Russell, Assistant City Manager for Community Development

#CM03-00119



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General Funds Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 General Funds Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

	Ith and Welfare mprehensive Services Act (1-2)	•••••		\$ 28,021,092 8,972,339
	departmental ntingency-General Fund (3)		•••••	•••••	\$ 75,200,122 (1,199,849)
Rev	enues				
	nts-In-Aid-Commonwealth cial Services (4)		•••••		\$ 46,419,701 20,518,768
1)	Family Foster Care IV-				
,	E Children	(001-630-5410-3182)	\$	343,403	
2)	Foster Care Not in 3183	(001-630-5410-3191)		228,936	
3)	Salary Lapse	(001-300-9410-1090)		(175,823)	
4)	CSA-State				
	Supplemental	(001-110-1234-0692)		396,516	

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:



CITY OF ROANOKEOFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

June 16, 2003

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice-Mayor Honorable William D. Bestpitch, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Beverly T. Fitzpatrick, Jr., Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Virginia Municipal League

Conference

Background:

Roanoke will host the 2003 Virginia Municipal League Conference October 19th-21st, and a staff team is now planning a memorable event for conference attendees. The Conference was held in Roanoke previously in 1996 and 1998 and, on both occasions, expenses totaling approximately \$50,000 were incurred. A similar budget needs to be established for the 2003 event.

Considerations:

The Virginia Municipal League will provide \$15,000 in financial support to Roanoke as the host locality.

Recommended Action:

Transfer \$35,000 from account 001-300-9410-2198 to a new multi-year account to be established in the Civic Facilities Fund by the Director of Finance; establish a revenue estimate of \$15,000 for financial support from the Virginia Municipal League and appropriate an additional \$15,000 to the same multi-year account, for a total budget of \$50,000.

Respectfully submitted,

Darlene L. Burcham

City Manager

DLB:blk

Attachments

c: Mary F. Parker, City Clerk

William M. Hackworth, City Attorney Jesse A. Hall, Director of Finance

CM03-0113



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General and Civic Center Funds Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 General and Civic Center Funds Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

General Fund

Appropriations

Third Party

	J (2)		75,200,122 74,903,947 (1,234,849)
Civic Center Fund			
<u>Appropriations</u>			
Capital Outlay Virginia Municipal League F	Y04 (3-4)	\$	4,965,862 50,000
Revenues			
Nonoperating Virginia Municipal League F	Y04 (5-6)	\$	1,840,185 50,000
1) Transfer to			
Civic Center Fund	(001-250-9310-9505)	\$ 35,000	
2) Electrical Rate	(004 000 0440 0400)	(07 000)	
Contingency 3) Appropriated from	(001-300-9410-2198)	(35,000)	
3) Appropriated from General Revenue	(005-550-8601-9003)	35,000	
4) Appropriated from			

(005-550-8601-9004)

15,000

5) Transfer from

General Fund

(005-110-1234-0951)

\$ 35,000

6) Virginia Municipal League (005-110-1234-1363)

15,000

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:



CITY OF ROANOKE OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

June 16, 2003

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Beverly T. Fitzpatrick, Jr., Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject:

Acceptance of Grant for Implementation of Urban

Forestry Plan

Background:

On April 21, 2003, City Council adopted the <u>Urban Forestry Plan</u> as an Element of <u>Vision 2001-2020</u>. The former is a ten-year plan designed to help the City manage its urban forest for maximum benefit of the City's environment, economy, and quality of life.

The plan was prepared with financial assistance from the Virginia Department of Forestry. In March 2003, the City applied for additional funding from that agency to fund the first year of plan implementation. On April 18, 2003, the City was notified by the Virginia Department of Forestry that a \$15,000 grant will be awarded to the City upon completion of a Memorandum of Agreement (Attachment 1).

The grant will allow for continuation of the temporary Urban Forestry Planner position on a part-time basis until May 15, 2004. This staff person will continue to work with the City's Urban Forester in the Department of Parks and Recreation.

Considerations:

The \$15,000 Urban and Community Forestry Grant is a federal grant, sponsored by the National Forest Service and administered by the Virginia Department of

Honorable Mayor and Members of Council June 16, 2003 Page 2

Forestry. Funds are awarded on a reimbursement basis after verification of the local match. The majority of the City's matching funds will be 680 hours of staff time (\$15.075) provided by the Urban Forester. For the remainder of the match. the City will provide \$2,804 in temporary wages for 180 hours of work by the temporary Urban Forestry Planner in addition to \$2,200 for printing of the plan.

Project activities to be undertaken include: (a) Community Outreach public/private partnerships and community involvement; (b) Ordinance Revisions and Administration - revision of the public tree ordinance and applicable sections of the zoning ordinance; and (c) Tree Planting and Protection - tree planting, forest preservation, interdepartmental cooperation, and work with other government agencies and major property owners.

Recommended Action:

Accept the Urban and Community Forestry Grant in the amount of \$15,000 and authorize the City Manager and City Clerk to execute and attest, respectively, an agreement with the Virginia Department of Forestry and any other forms necessary to accept such grant, approved as to form by the City Attorney.

Appropriate \$15,000 in federal funding and establish a corresponding revenue estimate in an account to be established by the Director of Finance in the Grant Fund.

> Respectfully submitted, Rolling & Musself,

Darlene L. Burcham

City Manager

DLB/SCB:kaj

Attachment

Mary F. Parker, City Clerk c: William M. Hackworth, City Attorney Jesse A. Hall, Director of Finance Steven B. Buschor, Director of Parks and Recreation Rolanda B. Russell, Assistant City Manager for Community Development

#CM03-00123

U&CF ASSISTANCE GRANT PROGRAM MEMORANDUM OF AGREEMENT GRANT # 03UCF44

This agreement made this _	16th	day of	June	,2003 by and between the Virginia Department of
Forestry, herein referred to	as "Party	of the First Pa	rt", and Ci	ty of Roanoke herein referred to as "Party of the
Second Part".				

The parties of this agreement, in consideration of the mutual covenants and stipulations set out herein in order to promote, support and participate in the U&CF Assistance Grant Program, sponsored by the U. S. Forest Service (Catalog of Federal Domestic Assistance (CFDA) Number 10-664) agree as follows:

(1) SCOPE OF SERVICES:

The Party of the Second Part shall provide the service to the Party of the First Part set forth in its Urban & Community Forestry Assistance proposal.

(2) <u>TIME OF PERFORMANCE:</u>

The service of the Party of the Second Part shall commence on <u>APRIL 15, 2003</u> and shall terminate on <u>MAY 15, 2004</u>.

All time limits stated are of the essence of this agreement.

(3) <u>COMPENSATION:</u>

The Party of the Second Part shall be paid by the Party of the First Part as set forth in ATTACHMENT A. Funds will be transferred to the Party of the Second Part upon receipt of quarterly billings. The Party of the Second Part shall spend the funds according to the specified categories of the contract budget. Minor shifts of the funds among categories not to exceed 10 percent may be permitted by the Party of the First Part, but in no case can the total expenditures exceed the amount provided by this contract. Shifts of funds among budget categories exceeding 10 percent must be approved in writing by the Party of The First Part.

(4) ASSISTANCE:

The Party of the First Part agrees upon request of the Party of the Second Part to furnish, or otherwise make available to the Party of the Second Part, copies of existing non-proprietary materials in the possession of the Party of the First Part that are reasonably related to the subject matter of this agreement and are necessary to the Party of the Second Part for completion of his performance under this agreement.

(5) GENERAL PROVISIONS:

Nothing in this agreement shall be construed as authority for either party to make commitments which will bind the other party beyond the Scope of Service contained herein. Furthermore, the Party of the Second Part shall not assign, sublet or subcontract any work related to this agreement or any interest it may have herein without the prior written consent of the Party of the First Part. This contract is subject to appropriations by the Virginia General Assembly.

(6) INTEGRATION AND MODIFICATION:

This contract constitutes the entire agreement between the Party of the Second Part and the Party of the First Part. No alteration, amendment or modification in the provisions of this agreement shall be effective unless it is reduced to writing, signed by the parties and attached hereto.

(7) <u>TERMINATION:</u>

The Party of the First Part may terminate this agreement for its convenience upon 60 days written notice to the other party. The Party of the Second Part shall be paid for no service rendered or expense incurred after receipt of such notice except such fees and expenses incurred prior to the effective date of termination that are necessary for curtailment of its/his work under this agreement.

In the event of breach by the Party of the Second Part of this agreement, the Party of the First Part shall have the right immediately to rescind, revoke or terminate the agreement. In the alternative the Party of the First Part may give written notice to the Party of the Second Part specifying the manner in which the Agreement has been breached. If a notice of breach is given and the Party of the Second Part has not substantially corrected the breach within the sixty (60) days of receipt of the written notice, the Party of the First Part shall have the right to terminate this Agreement.

In the event of rescission, revocation or termination, all documents and other materials related to the performance of this Agreement shall become the property of the Department of Forestry.

(8) COLLATERAL CONTRACTS:

Where there exists any inconsistency between this Agreement and other provisions of collateral contractual agreements which are made a part of this Agreement by reference or otherwise, the provisions of this Agreement shall control.

(9) <u>ANTI-DISCRIMINATION:</u>

During the performance of this contract, the Party of the Second Part agrees as follows:

The Party of the Second Part will not discriminate against any employee or applicant for employment because of race, religion, color, sex, or national origin, except where religion, sex, or national origin is a bona fide occupational qualification reasonable necessary to the normal operation of the Party of the Second Part. The Party of the Second Part agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.

The Party of the Second Part, in all solicitations or advertisement for employees placed by or on behalf of the Party of the Second Part, will state that such Party of the Second Part is an equal opportunity employer.

Notices, advertisements and solicitations in accordance with federal law, rules or regulations shall be deemed sufficient for the purpose of meeting the requirements of the Section.

The Party of the Second Part will include the above provisions in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

(10) APPLICATIONS:

This agreement shall be governed in all respects, whether as to validity, construction, capacity, performance or otherwise, by the laws of the Commonwealth of Virginia.

SEVERABILITY:

Each paragraph and provision of the Agreement is severable from the entire Agreement; and if any provision is declared invalid, the remaining provisions shall nevertheless remain in effect.

CONTINGENT FEE WARRANTY:

The Party of the Second Part warrants that he/it has not employed or retained any person or persons for the purpose of soliciting or securing this Agreement. The Party of the Second Part further warrants that he/it has not paid or agreed to pay any company or person any fee, commission, percentage, brokerage fee, gift or any other consideration, contingent upon the award or making of this Agreement. For breach of one or both of the foregoing warranties, the Agency shall have the right to terminate this agreement without liability, or, in its discretion or otherwise recover, the full amount of said prohibition fee, commission, percentage, brokerage fee, gift or contingent fee.

CONFLICT OF INTEREST:

The Party of the Second Part warrants that he has fully complied with the Virginia Conflict of Interest Act.

(14) FINANCIAL RECORDS AVAILABILITY:

The Party of the Second Part agrees to retain all books, records and other documents relative to this Agreement for five (5) years after final payment, or until audited by the Commonwealth of Virginia, whichever is later. The Party of the First Part, its authorized agents and/or State auditors shall have full access to and the right to examine any of said materials during said period.

Source documentation such as canceled checks (include copies of both front and back), paid bills, payrolls, time and attendance record (itemizing time spent on U&CF Assistance grant project), contracts, etc. will be submitted with the "Request for Funds." Invoices will be marked "PAID" and referenced as to how payment was made (i.e. check number).

The Party of the Second Part agrees to comply with the following Federal cost and administrative regulations as applicable:

Non-Profit Organizations	State and Local Governments	<u>Universities</u>
Cost Principles, OMB CIR A-122	Cost Principles, OMB CIR A-87	Cost Principles, OMB CIR A-21
Admin. Regulations, OMB CIR A-110	Admin, Regulations, OMB CIR A-102 (rev.)	Admin. Regulations, OMB CIR A-110
Audits, OMB CIR-A 133	Audits, OMB CIR A-133	Audits, OMB CIR A-133

(15) QUARTERLY REPORTS:

The Party of the Second Part agrees to provide the Party of the First Part performance reports on all activities identified in the proposals as they occur. The performance reports will contain a summary of progress and activities for each activity within the proposal; indicate any problems and solutions in meeting requirements, and provide financial funds expenditure information for reimbursement as appropriate.

The schedule for submittal of the periodic performance reports shall be as follows:

PERIOD COVERED

SUBMITTAL DATE

April 15, 2003 – July 15, 2003 July 15, 2003 – October 15, 2003 October 15, 2003 – January 15, 2004 January 15, 2004 – March 15, 2004 March 15, 2004 – May 15, 2004 August 1, 2003 November 1, 2003 February 1, 2004 April 1, 2004 June 1, 2004

In witness whereof the parties have caused this agreement to be executed by the following duly authorized officials:

PARTY OF THE SECOND PART

PARTY OF THE FIRST PART

This contract has been reviewed by the staff of the Party of the First Part. Its substantive terms are appropriate, and

have been

obligated for

sufficient funds performance.

BY:	BY:
TITLE: City Manager	TITLE: Urban and Community Forestry Coordinator
AGENCY: City of Roanoke, Virginia	AGENCY: Virginia Department of Forestry
DATE: June 16, 2003	DATE:

ATTACHMENT A

PAYMENT PROCESS

The funds awarded under the grant are available on a reimbursement basis after verification of match and in accordance with a payment schedule agreed to in advance. Grantees must file a request for payment and send records of expenditures along with documented costs to the Virginia Department of Forestry. The UCF Program Administrator will evaluate the progress of the project to determine eligibility for full funding. Grantees may request reimbursement as frequently as needed (within reason); or at least quarterly if there are qualifying expenditures.

FEDERAL AND STATE REGULATIONS

Grantees must comply with all Federal regulations pertaining to Federal grants. Grantees are referred to OMB Circulars A-102 and A-110 which are the uniform administration requirements. Grantees are also referred to Section 3015, 3016, and 3017 of the Code of Federal Regulations and to cost principles outlined in 0MB Circulars A-21, A-87, and A-122. Copies of these documents may be obtained from the Virginia Department of Forestry UCF Program Administrator upon request.

Grantees must certify that they are not debarred from this grant program. Grantees should not conduct business with individuals or organizations debarred from Federal grant projects. Applicants must document project approval by the authorized representative of the local governing body, organization or institution applying for the grant.

State and local government agencies must adhere to guidelines of the "Agency Procurement Manual" (January 1990) as required in Section 2.1-442 of the Code of Virginia.

RECORD KEEPING REQUIREMENTS

Records will be maintained according to all Federal regulations. The financial management system of the grantees shall meet the following standards:

- Records shall comply with generally accepted accounting principles.
- Records will document allowable costs.
- Records will be supported by source documentation, such as canceled checks, paid bills, payrolls, time and attendance records, contracts, etc. Invoices must be marked paid and be referenced as to how payment was made (i.e., check number). Records will be maintained for three years following final payment



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Parks, Recreation and Cultural Urban and Community Forestry Plan (1)					255,516 15,000	
Revenues						
Parks, Recreation and Cultura Urban and Community Fore	al stry Plan (2)			\$	255,516 15,000	
Temporary Employee Wages Federal Grant Receipt	(035-620-4344-1004) (035-620-4344-4344)	\$	15,000 15.000			

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

3/5/03

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION accepting the Urban and Community Forestry Grant from the Virginia Department of Forestry, and authorizing the execution of the necessary documents.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The City hereby accepts the Urban and Community Forestry Grant from the Virginia Department of Forestry in the amount of \$15,000.00.

2. The City Manager and the City Clerk are hereby authorized on behalf of the City to execute and attest, respectively, all necessary and appropriate agreements with the Virginia Department of Forestry, or any other party, for the City's acceptance of this grant, upon form approved by the City Attorney, as more particularly set forth in the City Manager's letter, dated June 16, 2003, to this Council.

ATTEST:



CITY OF ROANOKEOFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

June 16, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject:

Summer Food Appropriation

Background:

The City of Roanoke continues to provide for the nutritional needs of children and youth during the summer months through its Parks and Recreation Youth Services Division supervised Summer Nutrition Program.

Breakfast and lunch is provided to children throughout the City from mid-June through early August. More than 2,600 children/youth received lunch and/or breakfast on a daily basis at nineteen sites during the summer of 2002. This year, four sites have been added with two other sites pending, and snacks will be offered during two special after-summer-school programs that will operate until 5:30 pm. (Attachment)

Local funds in the amount of \$20,000 are available in the FY03 Parks and Recreation Youth Services Division's budget account number 001-620-8170-2034. Additional local funds in the amount of \$20,000 have been appropriated in the FY04 General Fund in the Parks and Recreation Youth Services Division budget account number 001-620-8170-2034. Local funds will be used to provide staffing and program materials.

Considerations:

Funds for the program are provided through the United States Department of Agriculture Food and Nutrition Service. The program is similar in concept to the

Honorable Mayor and Members of Council June 16, 2003 Page 2

National School Lunch Program with eligibility requirements much like those used to determine eligibility for free or reduced priced meals during the school year. The purpose is to provide nutritionally balanced, healthy meals to children ages one through eighteen and those with special needs. Adult, summer staff manage the program, and youth are hired to assist at the food service sites. The City is reimbursed on a per meal basis.

Recommended Action(s):

Accept the Summer Food Program grant in the **projected** amount of \$143,315 and authorize the City Manager and City Clerk to execute and attest respectively an agreement with the United States Department of Agriculture Food and Nutrition Services and any other forms necessary to accept such grant, approved as to form by the City Attorney.

Appropriate \$143,315 in federal funding and establish a corresponding revenue estimate in accounts to be established by the Director of Finance in the Grant Fund.

Transfer funding in the amount of \$20,000 from FY03 account number 001-620-8170-2034 and in the amount of \$20,000 from FY04 account number 001-620-8170-2034 in the Parks and Recreation Youth Services Division to the accounts established above.

Respectfully submitted,

Darlene L. Burcham

City Manager

DLB:MVH:kaj

Attachment

c:

Mary F. Parker, City Clerk William M. Hackworth, City Attorney Jesse A. Hall, Director of Finance Steven B. Buschor, Director of Parks and Recreation Rolanda B. Russell, Assistant City Manager for Community Development

#CM03-00124



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General and Grant Funds Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 General and Grant Funds Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

General Fund

Appropriations

Community Development Human Services and Community Edu		\$ 5,605,721 214,969	
Nondepartmental Transfer to Grant Fund (2)		\$ 75,220,122 639,358	
Grant Fund			
Appropriations			
Health and Welfare Summer Food Program 03-04(3-5)	······································		\$ 4,698,599 163,315
Revenues			
Health and Welfare Summer Food Program 03-04(6-7)			\$ 4,698,599 163,315
 Special Projects Transfer To Grant Fund Temporary Employee Wages FICA Program Activities Summer Food 03-04 Federal Summer Food 03-04 Local 	(001-620-8170-2034) (001-250-9310-9535) (035-630-5188-1004) (035-630-5188-1120) (035-630-5188-2066) (035-630-5188-5193) (035-630-5188-5194)	20,000 19,500 1,492 142,323	

	Pursuant t	o the provisio	ns of Section	n 12 of the	City Charter,	the second	reading
of this or	rdinance by	title is hereb	y dispensed	with.			

ATTEST:



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2003-2004 General and Grant Funds Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2003-2004 General and Grant Funds Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

General Fund

Appropriations

Community Development			\$ 5,648,584
Parks and Recreation Youth Ser	vices (1)		254,050
Nondepartmental			\$ 73,755,777
Transfer to Grant Fund (2)			158,612
Grant Fund			
Appropriations			
Health and Welfare			\$ 4,718,599
Summer Food Program 04 (3)			183,315
Revenues			
Health and Welfare			\$ 4,718,599
Summer Food Program 04 (4)			183,315
1) Special Projects	(001-620-8170-2034)	\$ (20,000)	
Transfer to Grant Fund	(001-250-9310-9535)	20,000	
3) Program Activities	(035-630-5188-2066)	20,000	
4) Summer Food 03-04 Local	(035-630-5188-5194)	20,000	

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

500

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing acceptance of a grant from the United States Department of Agriculture Food and Nutrition Service on behalf of the City to provide nutritionally balanced, healthy meals for children and youth during the summer months, and authorizing execution of any and all necessary documents to comply with the terms and conditions of the grant and applicable laws, regulations, and requirements pertaining thereto.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. Funding from the United States Department of Agriculture Food and Nutrition Service, in the amount of \$143,315.00 to provide nutritionally balanced, healthy meals to children during the summer months, as set forth in the City Manager's letter, dated June 16, 2003, to this Council, is hereby ACCEPTED.

2. The City Manager and the City Clerk are hereby authorized on behalf of the City to execute and attest, respectively, any and all requisite documents pertaining to the City's acceptance of this grant and to furnish such additional information as may be required in connection with the City's acceptance of the foregoing funds. All documents shall be approved as to form by the City Attorney.

ATTEST:



CITY OF ROANOKE OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

June 16, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Personal Services Lapse Report

Background:

The fiscal year 2002-2003 General Fund Budget includes funds in the nondepartmental expenditure category for several personnel related accounts. These accounts are budgeted at estimated amounts in the nondepartmental cost center because annual charges of each department are difficult to accurately predict. Actual costs are charged to departments in anticipation of year-end budget transfers to cover the costs.

Considerations:

Salary lapse is one of the items included in the nondepartmental category. It is the difference in budgeted City employee salaries and actual salaries. It is created through normal employee attrition and the managed hiring efforts undertaken during the year by City staff. At year-end, salary lapse created in departments is credited against the budgeted total salary lapse, and any excess salary lapse generated is spread throughout the various departments to cover additional personnel and operational needs.

Operational allocations using excess lapse include \$175,823 in additional local share funding for the Comprehensive Services Act program, recommended to Council in a separate report, \$135,000 for snow removal activities, and \$318,620 for additional billings to General Fund departments for services provided by Internal Service Fund departments such as Fleet Management, and Risk Management. Other operational uses of lapse are individually below \$50,000.

Honorable Mayor and Members of Council June 16, 2003 Page 2

Workers' Compensation is also initially budgeted in the nondepartmental category. Funding has been budgeted as a lump sum in the non-departmental category in the General Fund to cover workers' compensation wages and medical expenses. Like other personnel related budgets, the workers' compensation budgets are established non-departmentally due to the difficulty of predicting which departments will incur these expenses and to what extent. The attached budget ordinance allocates the amount in the nondepartmental cost center to departments that have incurred actual costs.

The fiscal year 2002-2003 General Fund Budget also included funds in the non-departmental category to cover annual expenditures for unemployment wages, extended illness leave payments, and termination leave wages, as well as anticipated increase in health and dental insurance. These budgets should be allocated to appropriate departmental accounts in the same manner as salary lapse and workers' compensation.

The attached budget ordinance accomplishes the above referenced transfers by adjusting each department's regular salaries line rather than adjusting all the individual line items. An adjustment is also needed to decrease the revenue estimate for the change in salary estimates for employee salaries reimbursed by the Commonwealth of Virginia. A summary of the transfers in the attached budget ordinance is as follows:

	2003	Adjustment	Revised
Account	Budget	Needed	Budget
Payroll Accrual	\$150,000	(\$150,000)	\$0
Medical Insurance	4,556,871	(284,892)	4,271,979
Dental Insurance	304,535	(9,311)	295,224
Workers' Compensation-Wages	400,000	(209,086)	190,914
Workers' Compensation-Medical	400,000	393,961	793,961
Unemployment Wages	35,000	97,579	132,579
Extended Illness Wages	20,000	1,976	21,976
Termination Leave Wages	91,275	248,864	340,139
FICA	4,910,497	(418,234)	4,492,263
Overtime Savings	(200,000)	200,000	0
Salary Lapse	(1,374,261)	1,374,261	0
Salaries and Wages	62,834,102	(1,300,337)	61,533,765
Miscellaneous Other Personnel Costs	1,958,949	(112,965)	1,845,984
Totals Expenditure Adjustments	\$74,086,968	(\$168,184)	\$73,918,784
Revenue Adjustement			
State Shared Expense/Social Services	\$27,977,379	(\$168,184)	\$27,809,195

Honorable Mayor and Members of Council June 16, 2003 Page 3

Recommended Actions:

City Council authorize the transfer of funding between accounts and the use of excess budgeted personal services.

Respectfully submitted,

Darlene L. Burcham

Darlene L. Burcham

City Manager

Jesse A. Hall

Director of Finance

DLB/JAH:sms

c: Mary F. Parker, City Clerk

William M. Hackworth, City Attorney

Barry L. Key, Director of Management and Budget

CM03-00121



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 General Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

General Fund (1-92)			\$ 202,496,329
Revenues			
General Fund (93-103)			\$ 193,731,971
1) Regular Employee Salaries	(001-110-1234-1002)	\$ 5,155	
2) Regular Employee Salaries	(001-120-2111-1002)	30,199	
3) Regular Employee Salaries	(001-121-2130-1002)	143	
4) Regular Employee Salaries	(001-122-2131-1002)	20	
5) Regular Employee Salaries	(001-124-2120-1002)	3,529	
6) Regular Employee Salaries	(001-125-2110-1002)	18,353	
7) Regular Employee Salaries	(001-130-1233-1002)	(43,118)	
8) Regular Employee Salaries	(001-140-2140-1002)	(50,000))
9) Regular Employee Salaries	(001-140-3310-1002)	46,102	
10) Regular Employee Salaries	(001-150-2210-1002)	(50,000))
11) Regular Employee Salaries	(001-150-2211-1002)	(6,075))
12) Regular Employee Salaries	(001-200-1110-1002)	(1,027))
13) Regular Employee Salaries	(001-210-1220-1002)	31,633	
14) Regular Employee Salaries	(001-220-1120-1002)	11,674	
15) Regular Employee Salaries	(001-230-1235-1002)	(4,420))
16) Regular Employee Salaries	(001-230-1236-1002)	289	
17) Regular Employee Salaries	(001-240-1240-1002)	(9,785))
18) Regular Employee Salaries	(001-250-1231-1002)	4,437	
19) Regular Employee Salaries	(001-250-1232-1002)	21,225	
20) Regular Employee Salaries	(001-260-1310-1002)	(28,457)
21) Regular Employee Salaries	(001-300-1210-1002)	2,799	
22) Regular Employee Salaries	(001-300-1211-1002)	39,305	

23) Regular Employee Salaries	(001-300-8120-1002)	\$ 13,287
24) Regular Employee Salaries	(001-340-1261-1002)	(12,713)
25) Regular Employee Salaries	(001-340-1263-1002)	(5,196)
26) Regular Employee Salaries	(001-410-1212-1002)	(18,257)
27) Regular Employee Salaries	(001-430-4130-1002)	19,151
28) Regular Employee Salaries	(001-430-4131-1002)	(31,504)
29) Regular Employee Salaries	(001-430-4170-1002)	21,993
30) Regular Employee Salaries	(001-440-1237-1002)	788
31) Regular Employee Salaries	(001-440-1260-1002)	35,718
32) Regular Employee Salaries	(001-440-1617-1002)	(2,874)
33) Regular Employee Salaries	(001-440-4220-1002)	(20,786)
34) Regular Employee Salaries	(001-440-4330-1002)	(40,403)
35) Regular Employee Salaries	(001-520-3211-1002)	69,898
36) Regular Employee Salaries	(001-520-3212-1002)	(31,951)
37) Regular Employee Salaries	(001-520-3213-1002)	149,981
38) Regular Employee Salaries	(001-520-3214-1002)	(50,000)
39) Regular Employee Salaries	(001-520-3521-1002)	(87,921)
40) Regular Employee Salaries	(001-530-1280-1002)	1,364
41) Regular Employee Salaries	(001-530-4110-1002)	89,451
42) Regular Employee Salaries	(001-530-4140-1002)	69,967
43) Regular Employee Salaries	(001-530-4160-1002)	(34,834)
44) Regular Employee Salaries	(001-530-4210-1002)	(45,000)
45) Regular Employee Salaries	(001-530-4310-1002)	(15,398)
46) Regular Employee Salaries	(001-610-3410-1002)	(4,853)
47) Regular Employee Salaries	(001-610-8110-1002)	60,426
48	Regular Employee Salaries	(001-615-8111-1002)	(24,468)
49)) Regular Employee Salaries	(001-615-8112-1002)	1,655
50) Regular Employee Salaries	(001-615-8113-1002)	17,362
51)	Regular Employee Salaries	(001-620-4340-1002)	(16,180)
52	Regular Employee Salaries	(001-620-7110-1002)	(20,000)
53)	Regular Employee Salaries	(001-620-7111-1002)	(22,529)
54)	Regular Employee Salaries	(001-620-8170-1002)	9,106
55)	Regular Employee Salaries	(001-630-1270-1002)	(6,357)
56)	Regular Employee Salaries	(001-630-5311-1002)	29,467
57)	Regular Employee Salaries	(001-630-5313-1002)	86,332
58)	Regular Employee Salaries	(001-630-5314-1002)	(46,334)
59)	Regular Employee Salaries	(001-630-5315-1002)	(29,665)
60)	Regular Employee Salaries	(001-630-5316-1002)	(3,969)
61)	, ,	(001-630-5317-1002)	(19,207)
62)		(001-630-5318-1002)	3,121
63)	, ,	(001-630-5410-1002)	(751)
64)	• , ,	(001-631-3330-1002)	30,088
65)	Regular Employee Salaries	(001-631-3350-1002)	(8,013)

66)	Regular Employee Salaries	(001-631-3360-1002)	\$ (254)
67)	Regular Employee Salaries	(001-640-3111-1002)	7,614
68)	Regular Employee Salaries	(001-640-3112-1002)	(6,025)
69)	Regular Employee Salaries	(001-640-3113-1002)	139,010
70)		(001-640-3114-1002)	(20,000)
71)	Regular Employee Salaries	(001-640-3115-1002)	(48,763)
72)	- · · · · · · · · · · · · · · · · · · ·	(001-640-3530-1002)	11,043
73)	Regular Employee Salaries	(001-650-2150-1002)	(575)
•	Regular Employee Salaries	(001-650-7310-1002)	(38,909)
	Regular Employee Salaries	(001-660-1214-1002)	14,256
-	Salary Lapse	(001-300-9410-1090)	1,374,261
	Payroll Accrual	(001-250-9110-1099)	(150,000)
	Medical Insurance	(001-250-9110-1125)	(520,059)
•	Dental Insurance	(001-250-9110-1126)	(14,690)
,	Worker's Compensation	,	` ' '
•	Wages	(001-250-9110-1135)	(400,000)
81)	Worker's Compensation	·	•
	Medical	(001-250-9110-1140)	(400,000)
82)	Unemployment Wages	(001-250-9110-1145)	(35,000)
83)	Extended Illness Leave		
	Payment	(001-250-9110-1149)	(20,000)
	Termination Leave Wages	(001-250-9110-1150)	(91,275)
•	Overtime Savings	(001-250-9110-1157)	200,000
86)	Transfer to Fleet	(001 250 0210 0517)	02.000
071	Management Fund	(001-250-9310-9517)	92,000
,	Transfer to DOT Fund	(001-250-9310-9513)	(131,747)
88)	Department of Technology	(001-640-3114-7005)	(59,498)
•	Fleet Management	(001-140-2140-7025)	(10,635)
	Fleet Management	(001-620-4340-7025)	(69,399)
,	Fleet Rental	(001-620-4340-7027)	(93,324)
•	Fleet Management	(001-530-4210-7025)	(28,187)
,	Treasurer Commissioner of Revenue	(001-110-1234-0613)	2,577
,	Commissioner of Revenue	(001-110-1234-0612)	(30,895)
•	Sheriff	(001-110-1234-0611)	(68,149)
•	City Jail	(001-110-1234-0609)	30,735
•	Commonwealth's Attorney	(001-110-1234-0610)	(74,450)
,	General Administration	(001-110-1234-0676)	57,899
99)	Director Social Service Administration	(001-110-1234-0685)	(45,270)
100) Social Services Revenue	(001-110-1204-0000)	(40,270)
100)	Maximization	(001-110-1234-0702)	(14,832)
101) Employment Services	(001-110-1234-0681)	(26,984)
•) VISSTA	(001-110-1234-0671)	1,561
) CSA-State Administration	(001-110-1234-0693)	(375)

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKEOFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

June 16, 2003

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Beverly T. Fitzpatrick, Jr., Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Amendment No. 1

Three Year Bridge Inspection Program - Year Two of Three

The 1978 Surface Transportation Act enacted by Congress requires that all bridges, including "off Federal Aid System" structures, must be included in the annual inspection program. Bridge Inspection Reports are required on 62 structures in the City of Roanoke this year. Twenty-eight structures are inspected annually while 34 structures are inspected bi-annually. One tunnel also needs to be inspected.

Council awarded contracts on June 17, 2002, to Hayes, Seay, Mattern & Mattern, Inc., and Mattern & Craig, Inc., for the three year Bridge Inspection Program with years two and three to be negotiated based on the number of structures to be inspected in each of those subsequent years. Hayes, Seay, Mattern & Mattern, Inc., has agreed to inspect 31 bridges and one tunnel for the cost of \$57,000 for year two. Mattern & Craig, Inc., has agreed to inspect 31 bridges for the cost of \$55,900 for year two.

Funding in the amount of \$112,900 is available for the second year amendment in account number 001-530-4310-3072 in the fiscal year 2003-04 budget.

Recommended Action(s):

Authorize the City Manager to execute separate Amendments No. 1 for consulting services for the above work with Hayes, Seay, Mattern & Mattern, Inc., and Mattern & Craig, Inc., in the amounts of \$57,000 and \$55,900 respectively, for the second year (2003) for bridge

and tunnel inspection services. These contracts may be extended for one additional one-year term upon mutual agreement of the parties at a fee agreed to by the parties based on the number of structures to be inspected.

Respectfully submitted,

Darlene L. Burcham

City Manager

DLB/sef

Attachments

c: William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
Jesse A. Hall, Director of Finance
Philip C. Schirmer, P.E., L.S., City Engineer

CM03-00125

Piti

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the City Manager's issuance of Amendment No. 1 to the City's contract with Hayes, Seay, Mattern & Mattern, Inc., for additional engineering services for the inspections of 31 bridges and 1 tunnel (underpass).

BE IT RESOLVED by the Council of the City of Roanoke that:

- 1. The City Manager is authorized to execute for and on behalf of the City, upon form approved by the City Attorney, Amendment No. 1 to the City's contract with Hayes, Seay, Mattern & Mattern, Inc., for additional engineering services for the inspections of 31 bridges and 1 tunnel (underpass), all as more fully set forth in the letter to this Council dated June 16, 2003.
- 2. The Amendment No. 1 will provide authorization for additions in the work with an increase in the amount of \$57,000.00 to the contract, all as set forth in the above letter.

ATTEST:

City Clerk.

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p.T.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the City Manager's issuance of Amendment No. 1 to the City's

contract with Mattern & Craig, Inc., for additional engineering services for the inspection of 31

bridges.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The City Manager is authorized to execute for and on behalf of the City, upon form

approved by the City Attorney, Amendment No. 1 to the City's contract with Mattern & Craig, Inc.,

for additional engineering services for the inspection of 31 bridges, all as more fully set forth in the

letter to this Council dated June 16, 2003.

2. The Amendment No. 1 will provide authorization for additions in the work with an

increase in the amount of \$55,900.00 to the contract, all as set forth in the above letter.

ATTEST:

City Clerk.

H:\Measures\bridge program amendment 2003 2004.doc



CITY OF ROANOKEOFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

June 16, 2003

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Beverly T. Fitzpatrick, Jr., Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Ordinance Revision to Require Pump Station Maintenance Agreements

Recent changes to the City Ordinance regarding sewer extensions permit the use of private pump stations for properties that can not be served by gravity sewer. The ordinance revision proposed delineates maintenance responsibilities for pump stations and associated force mains on private property and provides a mechanism for future home buyers to be notified of this responsibility.

Specifically, amend City Code Section 26-8(c) with the following:

(c) If a house or building is constructed at an elevation that does not permit gravity flow into the public sewer system, a private pumping facility shall be constructed for such house or building. The pumping facility shall be located on private property, with a private pressure-sewer service line connecting such facility with the public sewer main. It shall be the responsibility of the owner to maintain the pumping facility and related lines on the owner's property. No permit to use such facility shall be issued until such time as there is recorded in the Office of the Clerk of Circuit Court a maintenance agreement between the owner and the City, whereby the owner and the owner's heirs, grantees, successors in interest, and assigns, agree to maintain such facilities.

The Honorable Mayor and Members of Council Ordinance Revision to Require Pump Station Maintenance Agreements June 16, 2003 Page 2

Recommended Action:

Adopt the attached ordinance.

Respectfully submitted,

Darlene L. Burcham

City Manager

DLB/mtm

c: Jesse A. Hall, Director of Finance
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
George C. Snead, Jr., Assistant City Manager for Operations
Rolanda Russell, Assistant City Manager for Community Development
Michael McEvoy, Director of Utilities
Brian Townsend, Director of Planning, Building and Development

CM03-00130



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending and reordaining Section 26-8, Extension of sanitary sewers within city, of Article I, In General, of Chapter 26, Sewers and Sewage Disposal, Code of the City of Roanoke (1979), as amended, requiring the recordation of maintenance agreements prior to the issuance of permits to use sewer systems utilizing private pumping facilities; and dispensing with the second reading by title of this ordinance.

1. Section 26-8, Extension of sanitary sewers within city, of Article I, In General, of Chapter 26, Sewers and Sewage Disposal, Code of the City of Roanoke (1979), as amended, is hereby amended and reordained to read and provide as follows:

§ 26-8. Extension of sanitary sewers within city.

- (a) Upon proper application for the off-site extension of a public sanitary sewer within the city, the city shall bear one-half of the construction cost of such extension and the applicant shall pay the other one-half of the construction cost thereof and any additional cost, less any credits, as provided in this section. If the city participates in the construction cost of the off-site extension, payment by the city shall be due upon completion by the applicant, and acceptance of such extension by the city. An off-site sanitary sewer is defined as any sewer system located or to be located outside such house or building's property. The off-site sewer system shall be a public sanitary sewer line located in a street, alley, public right-of-way or public easement.
- (b) The applicant shall design and install an off-site public gravity-sewer main to serve its property. All design for public sewer mains shall be performed by a professional engineer, licensed in the Commonwealth of Virginia, and must be approved by the city. If an extension of an off-site public gravity-sewer main to the property is determined not to be feasible by the city manager due to its length, depth, development,

subsurface conditions or cost, the applicant shall design and install a public pressure-sewer main within the public right-of-way or public easement.

- (c) If a house or building is constructed at an elevation that does not permit gravity flow into the public sewer system, a private pumping facility shall be constructed for such house or building. The pumping facility shall be located on private property, with a private pressure-sewer service line connecting such facility with the public sewer main. It shall be the responsibility of the owner to maintain the pumping facility and related lines on the owner's property. No permit to use such facility shall be issued until such time as there is recorded in the Office of the Clerk of Circuit Court a maintenance agreement between the owner and the City, whereby the owner and the owner's heirs, grantees, successors in interest, and assigns, agree to maintain such facilities.
- (d) If an extension of the off-site public pressure-sewer main is not determined feasible by the city manager due to its length, depth, development, subsurface conditions or cost, the applicant may install a septic tank constructed in accordance with the rules and regulations of the state department of health.
- (e) Credits will be allowed towards the increased costs for any off-site extensions if the city requires a line size in excess of the minimum size required to serve the applicant. Credits will be equal to 100% of the difference in cost for furnishing and installing the minimum line size and furnishing and installing the line size otherwise required by the city to serve the applicant.
- (f) The payment by any person of any costs or charges as set forth in this section shall not relieve such person from the payment of all sanitary sewer connection costs, including the connection fees prescribed by the council pursuant to section 26-4.1 of this Code.
- (g) Notwithstanding any other provision of this Code, whenever the abutting owner is able to establish financial inability to pay legally imposed charges incident to such extension, the city manager may provide for the necessary work and labor to accomplish such connection and authorize the payment of such charges in monthly installments for a period not to exceed five (5) years from the date such charges initially accrue, with interest at the legal rate. Such deferred payments shall be evidenced by a note and secured by a deed of trust on the property served by the extension to be recorded, without expense to the city, in the clerk's office of the circuit court of the city.

	2.	Pursuant to Section 12 of the City Charter, the second reading of this ordinance
by tit	le is her	reby dispensed with.
		ATTEST:
		City Clerk.



CITY OF ROANOKEOFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

June 16, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Council Member, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Appropriation of Household

Hazardous Waste Collection

Funds

Background:

The City of Roanoke has sponsored five Household Hazardous Waste Collection Days since May 2000, drawing residents from throughout the Roanoke Valley and utilizing the Community Projects accounts set aside for compliance with the Consent Order between the Virginia Department of Environmental Quality and the City signed in February 2000. Neighboring local governments have made financial contributions to several of these events. The Office of Environmental and Emergency Management is working to continue this program, and fund it after fulfilling the provisions of the Consent Order (anticipated by Winter 2003) and has asked for additional contributions for the next fiscal year from neighboring jurisdictions. The City of Roanoke's portion is \$31,327 and will come from the NPDES Account No. 008-530-9736.

Considerations:

The following is a breakdown of the contributions for the upcoming Hazardous Waste Collection Day, expected to be held in Fall 2003:

Honorable Mayor and Members of Council June 16, 2003 Page 2

Roanoke County	\$ 7,500
City of Salem	1,500
Town of Vinton	1,000
	\$10,000

Recommended Actions:

Appropriate \$10,000 in funding to be received from other jurisdictions to revenue and expenditure accounts to be established by the Director of Finance in the Capital Projects Fund. Transfer funding of \$31,327 from the NPDES account 008-530-9736 to the same newly established account.

Respectfully submitted,

Aulin Fucham

Darlene L. Burcham

City Manager

DLB:pjt

c: Mary F. Parker, City Clerk

William M. Hackworth, City Attorney Jesse A. Hall, Director of Finance

Paul J. Truntich, Environmental Administrator

CM03-00106



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 Capital Projects Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

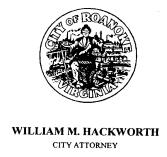
Appropriations

General Government Household Hazardous Was	te Day (1-2)		\$	9,793,181 41,327
Storm Drains NPDES Phase II (3)				3,481,781 228,673
Revenues				
Intergovernmental (4-6)			\$	3,716,141
1) Appropriated from				
Other Governments	(008-660-9783-8999)	\$ 10,000		
Appropriated from				
General Revenue	(008-660-9783-9003)	31,327		
3) Appropriated from		(0.4.00=)		
General Revenue	(008-530-9736-9003)	(31,327)		
4) HHWD -	(000 660 0702 0702)	7 500		
Roanoke County 5) HHWD -	(008-660-9783-9793)	7,500		
City of Salem	(008-660-9783-9794)	1,500		
6) HHWD -	(000-000-3700-3734)	1,000		
Town of Vinton	(008-660-9783-9796)	1,000		

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKE

OFFICE OF CITY ATTORNEY
464 MUNICIPAL BUILDING
215 CHURCH AVENUE, SW
ROANOKE, VIRGINIA 24011-1595

TELEPHONE: 540-853-2431 FAX: 540-853-1221 EMAIL: cityatty@ci.roanoke.va.us STEVEN J. TALEVI GARY E. TEGENKAMP DAVID L. COLLINS HEATHER P. FERGUSON ASSISTANT CITY ATTORNEYS

ELIZABETH K. DILLON

June 16, 2003

The Honorable Mayor and Members of City Council Roanoke, Virginia

Re: Reenactment of City Code

Dear Mayor Smith and Council Members:

Since 1982, City Council has reenacted and recodified the City Code on an annual basis in order to properly incorporate in the Code amendments made by the General Assembly at the previous Session to State statutes that are incorporated by reference in the City Code. This procedure ensures that the ordinances codified in our Code incorporate the most recent amendments to State law.

Incorporation by reference is frequently utilized in local codes to preclude having to set out lengthy provisions of State statutes in their entirety. In addition, the technique ensures that local ordinances are always consistent with the State law as is generally required.

The procedure whereby a local governing body incorporates State statutes by reference after action of the General Assembly has been approved by the Attorney General. See Report of the Attorney General (1981-1982) at 272. I recommend that Council adopt the attached ordinance to readopt and reenact the Code of the City of Roanoke (1979). If the attached ordinance is not adopted, City Code sections incorporating provisions of the State Code amended at the last Session of the General Assembly may not be deemed to include the recent amendments and may be impermissibly inconsistent which could result in the dismissal of criminal prosecutions under these City Code sections.

Sincerely yours,

William M. Hackworth

William M. Harburton

City Attorney

WMH:f Attachment

The Honorable Mayor and Members of City Council
June 16, 2003

Page 2

cc: Darlene L. Burcham, City Manager
George C. Snead, Jr., Assistant City Manager for Operations
Rolanda Russell, Assistant City Manager for Community Development
The Honorable Donald S. Caldwell, Commonwealth's Attorney
A. L. "Joe" Gaskins, Chief of Police
Mary F. Parker, City Clerk



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE to readopt and reenact the Code of the City of Roanoke (1979), as amended; and dispensing with the second reading by title of this ordinance.

WHEREAS, by Ordinance No. 25043, adopted April 7, 1980, this Council adopted and enacted a new code for the City of Roanoke entitled the Code of the City of Roanoke (1979) (hereinafter sometimes referred to as the "City Code");

WHEREAS, such Code, as amended, contains certain provisions which incorporate by reference portions of the Code of Virginia (1950), as amended, (hereinafter "State Code");

WHEREAS, from time to time, certain of these State Code sections which are incorporated by reference in the City Code have been amended by the General Assembly;

WHEREAS, such amendments are a matter of public record which are set forth in the Acts of Assembly and supplements and replacement volumes of the State Code; and

WHEREAS, it is the desire of this Council that those provisions of the City Code which adopt by reference State Code provisions shall be fully consistent with enactments of the most recent Session of the General Assembly;

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. The Code of the City of Roanoke (1979), as amended, a copy of which is on file in the City Clerk's Office, consisting of Chapters 1 through 36.1, each inclusive, is hereby readopted and reenacted. Such Code amendments heretofore and hereafter adopted shall continue to be known as the Code of the City of Roanoke (1979), as amended.

2. With respect to sections or provisions of the State Code incorporated by reference in the City Code, Council recognizes any amendments made to such sections or provisions of the State Code by the most recent Session of the General Assembly and hereby expresses the intent and ordains that such amendments to sections or provisions of the State Code incorporated by reference in the City Code shall be included in the City Code verbatim as enacted by the most recent Session of the General Assembly.

3. Any reference in the City Code to any section, article or chapter from former Titles of the State Code shall be deemed and construed to apply to the successor section, article or chapter of the State Code, comparable sections being set out in Tables of Comparable Sections for certain Repealed and Revised Titles published in Volume 10.

4. Pursuant to Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

Roanoke-City School Board P.O. Box 13145, Roanoke, Virginia 24031 • 540-853-2381 • Fax: 540-853-2951

June 16, 2003

The Honorable Ralph K. Smith, Mayor and Members of Roanoke City Council Roanoke, VA 24011

Dear Members of Council:

The School Board at its June 10 meeting voted to request City Council to closeout fifty-two school grants that have been completed. Total outlays for the grants amounted to \$14,449,240.24. Revenue was provided for the grants as follows:

- Federal funds \$8,927,905.65
- **State funds \$2,563,051.90**
- ❖ Fees and donations \$877,708.40
- ❖ Local match \$2,080,574.29

The Board appreciates the approval of this request.

Sincerely,

Cindy H. Lee, Clerk

re

cc: Mrs. Gloria P. Manns

Dr. E. Wayne Harris

Mr. Richard L. Kelley

Mr. Kenneth F. Mundy

Mr. William L. Murray

Mrs. Darlene Burcham

Mr. William M. Hackworth

Mr. Jesse A. Hall

Mr. Jim Wells (with accounting

details)



JESSE A. HALL
Director of Finance
email: jesse_hall@ci.roanoke.va.us

June 16, 2003

CITY OF ROANOKE DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461 P.O. Box 1220 Roanoke, Virginia 24006-1220 Telephone: (540) 853-2821 Fax: (540) 853-6142

ANN H. SHAWVER

Deputy Director

email: ann_shawver@ci.roanoke.va.us

The Honorable Ralph K. Smith, Mayor
The Honorable C. Nelson Harris, Vice Mayor
The Honorable William D. Bestpitch, Council Member
The Honorable M. Rupert Cutler, Council Member
The Honorable Alfred T. Dowe, Jr., Council Member
The Honorable Beverly T. Fitzpatrick, Jr., Council Member
The Honorable Linda F. Wyatt, Council Member

Dear Mayor and Members of Council:

The School Board, at its June 10 meeting, voted to request City Council to closeout fifty-two school grants that have been completed. Total outlays for the grants amounted to \$14,449,240.24. Revenue was provided for the grants as follows:

- Federal funds \$8,927,905.65
- State funds \$2,563,051.90
- Fees and donations \$877,708.40
- Local match \$2,080,574.29

A listing of the completed grants is attached. The Board appreciates the approval of this request.

Sincerely,

Jesse A. Hall

Director of Finance

esse A. Hall

JAH/ctg

Attachment

c: Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
E. Wayne Harris, Superintendent of City Schools

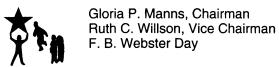
ROANOKE CITY SCHOOL BOARD Roanoke, Virginia

REQUEST TO CLOSE GRANTS

The fifty-two grants listed below have been completed and should be closed. Total outlays for the grants amounted to \$14,449,240.24. Federal funds in the amount of \$8,927,905.65, state funds in the amount of \$2,563,051.90, fees and donations in the amount of \$877,708.40, and local match in the amount of \$2,080,574.29 provided revenue for the grants.

Grant Number	Description	Appr. Unit	Amount	Page Number
030-060-6181	Title I Delinquent 2000-01	X1F	\$ 64,421.00	3
030-062-6185	Title I Winter 124-02-1	X1H	2,944,237.50	4
030-061-6186	Title I Even Start 2000-01	X1I	144,166.24	5
030-062-6193	Title I Summer 124-02-2	X1H	118,577.89	6
030-062-6194	Title I Carryover 124-02-3	X1H	294,903.60	7
030-064-6255	Title VI 2001-02	X2W	133,661.17	8
030-064-6256	Eisenhower Title II 2001-02	X2X	85,933.00	9
030-064-6257	Class Size Reduction 2001-02	X2Y	614,956.00	10
030-060-6322	Magnet School 2000-01	X3T	625,110.00	11
030-060-6323	Innovative Grant 2000-01	X3U	325,460.00	12
030-062-6325	Governor's School 2001-02	X3X	1,419,311.00	13
030-062-6327	Community Learning Center 2001-02	X3Z	197,817.00	14
030-062-6456	Summer Youth Employment 2001	X4M	34,518.55	15
030-062-6571	Flow Through 2001-02	Z5A	2,004,671.00	16
030-062-6572	Child Specialty Services 2001-02	Z5B	72,181.70	17
030-062-6573	Child Development Clinic 2001-02	Z5C	73,700.86	18
030-062-6574	Juvenile Detention Home 2001-02	Z5D	331,778.43	19
030-062-6576	Special Education Interpreter Training 2001-02	Z5F	2,882.09	20
030-062-6577	Special Education Jail Program 2001-02	Z5G	147,058.22	21
030-062-6578	Special Education Assistive Technology 2001-02	Z5H	759.90	22
030-062-6579	Special Education Capacity Building 2001-02	Z51	20,188.00	23
030-060-6601	Student Success Mini-Grant 1999	Z6A	30,000.00	24
030-061-6610	Academic Challenge 2003	X6J	2,700.00	25
030-060-6737	Regional Literacy Coord. Committee 2000	X7L	3,700.00	26
030-062-6739	Adult Basic Education 2001-02	X7N	189,987.89	27
030-062-6740	Apprenticeship 2001-02	X70	132,686.16	28
030-062-6741	Jobs for Virginia Graduates 2001-02	X7P	49,896.40	29
030-062-6742	Perkins Act 2001-02	X7Q	363,554.00	30
030-060-6743	Regional Adult Educ. Specialist 2001-02	X7S	39,061.05	31

Grant Number	Description	Appr. Unit	Amount	Page Number
030-062-6744	Regional Adult Literacy 2001-02	X7T	171,482.45	32
030-062-6745	GED Testing 2001-02	X7U	16,030.39	33
030-062-6746	Workplace Education 2001-02	X7V	16,383.42	34
030-062-6747	Regional Adult Basic Education 2001-02	X7W	37,231.70	35
030-062-6748	Adult Education in Jails 2001-02	X7Z	22,608.97	36
030-062-6749	Expanded GED Testing 2001-02	X71	7,500.00	37
030-060-6985	Southern Regional Education Board 1999	X95	10,000.00	38
030-060-6815	Grants Management 2000-01	X8N	115,122.32	39
030-060-6820	Goals 2000 Technology	X8S	218,673.05	40
030-060-6821	Arts Incentive - Madison	X8T	300.00	41
030-060-6823	School Instructional Technology 2000-01	W8X	882,000.00	42
030-060-6824	Governor's Academic Challenge 2001	X8X	32,567.00	43
030-063-6825	Alternative Education 2001-02	X8Y	1,349,149.13	44
030-063-6826	Drug Free Schools 2001-02	X82	49,853.00	45
030-064-6827	Adolescent Health Partnership 2001-02	X81	165,686.35	46
030-062-6828	Grants Management 2001-02	X82	3,750.00	47
030-063-6829	Project YES 2001-02	X83	254,919.00	48
030-062-6830	Homeless Assistance 2001-02	X84	67,041.00	49
030-063-6831	State Truancy 2001-02	X85	20,727.00	50
030-065-6832	Blue Ridge Technical Academy 2001-02	X86	455,208.81	51
030-062-6833	Regional Science Fair 2001-02	X87	7,915.00	52
030-062-6834	Technology Literacy Challenge 2001-02	X88	57,700.00	53
030-062-6837	Refugee School Impact 2001-02	X89	19,513.00	54
	Total	\$	14,449,240.24	



Marsha W. Ellison William H. Lindsey Melinda J. Payne

Robert J. Sparrow E. Wayne Harris, Ed.D., Superintendent Cindy H. Lee, Clerk of the Board

City School Board P.O. Box 13145, Roanoke, Virginia 24031 • 540-853-2381 • Fax: 540-853-2951

June 16, 2003

The Honorable Ralph K. Smith, Mayor and Members of Roanoke City Council Roanoke, VA 24011

Dear Members of Council:

As the result of official School Board action at its June 10 meeting, the Board respectfully requests City Council to approve the following appropriations:

- \$242,500.00 from the **FY2002-03** Capital Maintenance and Equipment Replacement Fund for the construction of a bus washing building and equipment at the new Transportation Facility.
- \$169,550.00 for the Addison Community Learning Center for FY2003-**04** to address the critical attendance, academic, and parental involvement needs of the community in a safe, supervised, and nurturing environment. This continuing program is one hundred percent reimbursed by federal funds.
- \$460,118.00 for the Blue Ridge Technical Academy for FY2003-04 to provide a business and technical education training program for a diverse population of students. This continuing program is funded with State aid monies, a State ISAEP grant, alternative education matching funds, facility lease matching funds, local matching funds, and federal grant receipts.

Thank you for your attention to this request.

Sincerely,

Cindy H. Lee, Clerk

re

Mrs. Gloria P. Manns cc:

Dr. E. Wayne Harris

Mr. Richard L. Kelley

Mr. Kenneth F. Mundy Mr. William L. Murray

Mrs. Darlene Burcham

Mr. William M. Hackworth

Mr. Jesse A. Hall

Mr. Jim Wells (with accounting

details)



JESSE A. HALL
Director of Finance
email: jesse_hall@ci.roanoke.va.us
June 16, 2003

CITY OF ROANOKE DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461 P.O. Box 1220 Roanoke, Virginia 24006-1220 Telephone: (540) 853-2821 Fax: (540) 853-6142

ANN H. SHAWVER

Deputy Director

email: ann_shawver@ci.roanoke.va.us

The Honorable Ralph K. Smith, Mayor
The Honorable C. Nelson Harris, Vice Mayor
The Honorable William D. Bestpitch, Council Member
The Honorable M. Rupert Cutler, Council Member
The Honorable Alfred T. Dowe, Jr., Council Member
The Honorable Beverly T. Fitzpatrick, Jr., Council Member
The Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

We have reviewed the attached request to appropriate funding for the School Board. This report will appropriate the following:

- \$242,500 from the FY2002-03 Capital Maintenance and Equipment Replacement Fund for the construction of a bus washing building and equipment at the new transportation facility.
- \$169,550 for the Addison Community Learning Center for FY2003-04 to address the
 critical attendance academic and parental involvement needs of the community in a
 safe, supervised and nurturing environment. This continuing program is one hundred
 percent reimbursed by federal funds.
- \$460,118 for the Blue Ridge Technical Academy for FY2003-04 to provide a business and technical education training program for a diverse population of students. This continuing program is funded with State aid monies, a State ISAEP grant and alternative education matching funds, facility lease matching funds, local matching funds and federal grant receipts.

I recommend that you concur with this report of the School Board.

Sincerely,

Jesse A. Hall

Director of Finance

Jesse A. Hall

Attachment

JAH/ctg

c: Darlene L. Burcham, City Manager

William M. Hackworth, City Attorney

Mary F. Parker, City Clerk

E. Wayne Harris, Superintendent of City Schools



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 School Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 School Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Education Facilities (1)			\$ 138,286,712 3,989,326
Fund Balance			
Reserved for CMERP - Schools	s (2)		\$ 306,735
 Buildings Reserved for 	(030-065-6006-6896-0851)	\$ 242,500	
CMERP - Schools	(030-3324)	(242,500)	

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

h

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2003-2004 School Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2003-2004 School Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Education Addison Community Learning Blue Ridge Technical Academ			138,033,554 169,550 460,118
Revenues			
Education	Center (26)	\$	138,033,554
Addison Community Learning Blue Ridge Technical Academ			169,550 460,118
1) Program Director	(030-062-6333-6100-0124)	\$ 42,000	
2) Activity Assistants	(030-062-6333-6100-0141)	58,260	
3) Social Security	(030-062-6333-6100-0201)	7,032	
4) State Retirement	(030-062-6333-6100-0202)	3,965	
5) Health Insurance	(030-062-6333-6100-0204)	4,380	
6) Indirect Costs	(030-062-6333-6100-0212)	2,010	
7) Contracted Services	(030-062-6333-6100-0313)	40,948	
8) Conference Travel	(030-062-6333-6100-0554)	2,110	
9) Supplies	(030-062-6333-6100-0614)	8,845	
10) Teachers	(030-063-6851-6100-0121)	148,320	
11) Director	(030-063-6851-6100-0124)	25,051	
12) Administrative Coordinator	(030-063-6851-6100-0138)	47,517	
13) Clerical	(030-063-6851-6100-0151)	17,633	
14) Social Security	(030-063-6851-6100-0201)	11,579	
15) Retirement	(030-063-6851-6100-0202)	5,783	
16) Health Insurance	(030-063-6851-6100-0204)	11,280	

17) Professional Services 18) Lease of Equipment 19) Lease of Facility 20) Instructional Supplies 21) Equipment 22) Instructors 23) Social Security 24) Retirement 25) Health Insurance	(030-063-6851-6100-0382) (030-063-6851-6100-0541) (030-063-6851-6100-0542) (030-063-6851-6100-0614) (030-063-6851-6100-0821) (030-063-6851-6140-0121) (030-063-6851-6140-0201) (030-063-6851-6140-0204)	\$ 2,000 2,524 77,356 8,500 4,375 76,957 5,887 7,265 8 091
,	•	•
•	,	5,887
•	,	7,265
25) Health Insurance	(030-063-6851-6140-0204)	8,091
26) Federal Grant Receipts	(030-062-6333-1102)	169,550
27) State Grant Receipts	(030-063-6851-1100)	136,088
28) Local Match	(030-063-6851-1101)	239,030
29) Federal Grant Receipts	(030-063-6851-1102)	85,000

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166 Roanoke, Virginia 24011 Telephone: (540) 853-1730 Fax: (540) 853-1230 E-mail: planning@ci.roanoke.va.us

June 16, 2003

Architectural Review Board Board of Zoning Appeals Planning Commission

> Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Beverly T. Fitzpatrick, Jr., Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject:

Request from First Church of God, represented by Maryellen F. Goodlatte, attorney, to rezone one tract of land located at 5008 Hildebrand Road, N.W., identified as official Tax Map Number 2201401, from RS-3, Residential Single-Family, District, to C-1, Office District, such rezoning to be subject to certain conditions.

Planning Commission Action:

Public hearing was held on Thursday, May 15, 2003. By a vote of 4-0 (Messrs. Chrisman and Rife absent), the Commission recommended approval of a third amended petition to rezone.

Background:

A petition to rezone was filed on April 3, 2003. An amended petition was filed on April 30, 2003, and a second amended petition was filed on May 6, 2003. A third amended petition was filed on May 23, 2003, with the following proffered conditions:

- That the property will be developed in substantial conformity with the Site Plan made by Hughes Associates Architects, dated April 3, 2003, revised April 22, 2003, and May 5, 2003, attached to this petition as Exhibit B, subject to any changes required by the City during the Comprehensive Site Plan review.
- 2. That the following C-1 uses would be the only uses permitted on the property:

- (a) Single-family detached dwellings;
- (b) Elementary and secondary schools; and
- (c) Churches, synagogues and other places of worship, including accessory columbariums.
- 3. That the new building addition shall have a brick facade.

Considerations:

The subject property is a 1.29-acre parcel bounded by Hildebrand Road, N.W., Curtis Avenue, N.W., Hubert Road, N.W., and Whitney Avenue, N.W. A building housing the First Church of God and a single-family detached dwelling used for the church parsonage are located on the subject property. The rezoning request is a result of the church's proposal to expand its facilities on the site.

The subject parcel is currently zoned RS-3, Residential Single-Family District. Surrounding zoning and land uses are residential and commercial.

- Properties on the opposite side of Whitney Avenue, N.W., across from the church, are zoned C-2, General Commercial, and include the church parking lot and a multifamily residential development consisting of two three-story buildings containing a total of 42 units.
- Properties to the west of Curtis Avenue along the northern frontage of Hildebrand Road are a mix of RS-3, Residential Single-Family, RM-2, Residential Multifamily, Medium Density, and C-2, General Commercial. Land uses include a single-family dwelling, a duplex, a three-story multifamily structure containing 18 units, and a labor union organization.
- Properties to the west of Curtis Avenue on the southern frontage of Hildebrand Road are zoned C-2, General Commercial, and include the church parking lot as previously mentioned, a club, and an automobile transmission service establishment.
- Properties directly to the east, southeast, and south of the subject parcel are zoned RS-3, Residential Single-Family, and are developed residentially.

The petitioner requests that the subject property be rezoned to permit an expansion of the First Church of God, currently operating on the property. Such expansion is being proposed to provide a new fellowship hall for the church, and in the future, to provide classrooms for an elementary school.

Although a church and a single-family detached dwelling, currently used for the church parsonage, are permitted uses in the RS-3, Residential Single-Family, District, the proposed building addition would cause development on the site to

exceed the thirty-five (35) percent maximum lot coverage of the RS-3 District. The requested rezoning to C-1, Office District would permit greater lot coverage.

- The C-1, Office District, permits up to fifty (50) percent lot coverage.
- On the subject property of 56,192 square feet, a C-1 zoning designation would permit lot coverage up to 28,096 square feet (50 percent).
- The building addition would add 6,500 square feet of footprint area, bringing development on the site to an overall lot coverage of 25,789 square feet (46 percent).

The minimum open space required in the C-1, Office District, is fifteen (15) percent of the lot area. The proffered site plan would provide 28,203 square feet of open space or fifty (50) percent of the total lot area of the subject parcel.

Parking for the building addition would be provided on the existing church parking lot on the northwest side of Whitney Avenue. No parking areas would be constructed on the subject parcel.

Given the subject parcel's containment by being bounded on all four sides by streets and the property's location relative to the more intense commercial uses of Williamson Road and the adjacent residential neighborhood, the church creates an appropriate transitional buffer between commercial areas and the low density residential neighborhood. Furthermore, neither of the two lots on Curtis Avenue opposite the church and the proposed addition contains houses which face the subject property; each of those houses is oriented to Hildebrand Road and Hubert Road respectively. Although lot coverage would increase, the proffered site plan provides for more than fifty (50) percent of open space on the site.

The petitioner's proffered site plan provides for foundation plantings along the base of the building addition. Such foundation planting provides a residential characteristic that recognizes the existence of and is compatible with the adjacent residential neighborhood.

The petitioner proffers a short list of permitted C-1 uses on the subject property, limited to single-family dwellings, elementary and secondary schools, and churches. Such use limitations substantially decrease the potential impact of the requested rezoning on the surrounding neighborhood since the church and a single-family dwelling currently exist on the site as permitted uses in the RS-3, Residential Single-Family, District. In addition, elementary and secondary schools are permitted by special exception in the RS-3 District.

With the proffered site plan and permitted uses, the petitioner has addressed use and site development issues that relate to protecting the adjacent residential neighborhood to the east and south. Given those proffers, the application of the C-1, Office District, to the subject property is deemed appropriate. Within the parameters of this petition, the rezoning of the subject property to C-1, Office District, would permit the church to more fully utilize an existing site for its purposes, while not permitting unlike, incompatible uses to encroach on the residential neighborhood. The residential zoning district to the east and south would remain intact in terms of where the residential land use pattern currently exists.

The request of this petition is consistent with **Vision 2001-2020's** policies of encouraging greater site coverage for maximum use of sites, strengthening landscaping to increase compatibility of design, encouraging mixed use, and establishing transitional buffers between commercial and low-density residential areas. With its proffered conditions, this petition recognizes the viability of the established adjoining residential neighborhood and the following statements and policies of **Vision 2001-2020**:

- A continued comprehensive emphasis on city design will improve Roanoke's attractiveness for new commercial and residential development and strengthen individual neighborhoods. (p. 4, Foreword, 2)
- Roanoke's neighborhoods are the basic building blocks in the City. (p. 39, Housing and Neighborhoods, Policy Approach)
- The quality of the physical environment attractive streets, buildings, parks, and open space has a direct impact on Roanoke's economy, the sustainability of its neighborhoods. (p. 88, City Design)
- ...encourage maximum use of commercial and industrial sites by addressing setbacks, lot coverage, parking requirements, and landscaping. (p. 61, ED A27)

Staff attended a neighborhood informational meeting sponsored by the petitioner and the petitioner's attorney. No one appeared at that meeting in opposition. No one has contacted the planning staff in opposition to this petition.

During the Planning Commission public hearing, Maryellen Goodlatte, attorney, presented the request on behalf of the petitioner. Nancy Snodgrass, City Planner, presented the staff report, recommending approval of the request.

Planning Commission discussion centered on the following issues regarding the proposed building addition:

- Exterior material
- Roof pitch
- Scale, proportion, and coverage of windows

In order to provide some flexibility because of the early stages of this development, the petitioner would prefer not to proffer an architectural rendering of the building addition. Because of the need to connect to a roof on the existing church building, the petitioner is also not comfortable proffering a roof pitch. The petitioner expressed a willingness to proffer that the exterior material of the

building addition would be brick, and Mrs. Goodlatte agreed to file a third amended petition to include the additional proffer.

Recommendation:

By a vote of 4-0, the Commission recommended approval of the requested rezoning, as amended by the additional proffer of a brick facade. Given the proffered conditions of this petition as they relate to maintaining the integrity of the adjacent residential neighborhood by specifically addressing site development, landscaping, and permitted use issues, the Commission felt the rezoning was appropriate.

Respectfully submitted,

Robert B. Manetta, Chairman

Roanoke City Planning Commission

Darlene L. Burcham, City Manager CC:

Rolanda Russell, Assistant City Manager for Community Development

William M. Hackworth, City Attorney Steven J. Talevi, Assistant City Attorney

Maryellen F. Goodlatte, Attorney for the Petitioner

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:

Rezoning of one tract of land located at 5008 Hildebrand Road, N.W., identified as official Tax Map Number 2201401,

from RS-3 (Residential Single-Family District) to C-1 (Office District), such rezoning to be subject to certain conditions.

THIRD AMENDED PETITION

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA:

Petitioner FIRST CHURCH OF GOD owns real property in the City of Roanoke, Virginia, containing 1.29 acres, more or less, located at 5008 Hildebrand Road, N.W. and being Tax Map Number 2201401. The property is currently zoned RS-3. A map of the property to be rezoned is attached as Exhibit A.

Pursuant to Section 36.1-690, Code of the City of Roanoke (1979), as amended, Petitioner requests that the said property be rezoned from RS-3 (Residential Single-Family District) to C-1 (Office District), subject to certain conditions set forth below, for the purpose of permitting an expansion of the church already operating on the property. The expansion area will provide a new fellowship hall for the church in its first phase and, in future phases, would provide classrooms for a Christian elementary school. The site plan prepared by Hughes Associates Architects, dated April 3, 2003, revised April 22, 2003, and May 5, 2003, is attached hereto as Exhibit B, ("Site Plan").

- (c) Churches, synagogues and other places of worship, including accessory columbariums.
- 3. That the new building addition shall have a brick façade.

Attached as Exhibit C are the names, addresses and tax numbers of the owners of all lots or properties immediately adjacent to, immediately across a street or road from the property to be rezoned.

WHEREFORE, your Petitioner requests that the above-described tract be rezoned as requested in accordance with the provisions of the Zoning Ordinance of the City of Roanoke.

Respectfully submitted this 23 day of May, 2003.

FIRST CHURCH OF GOD

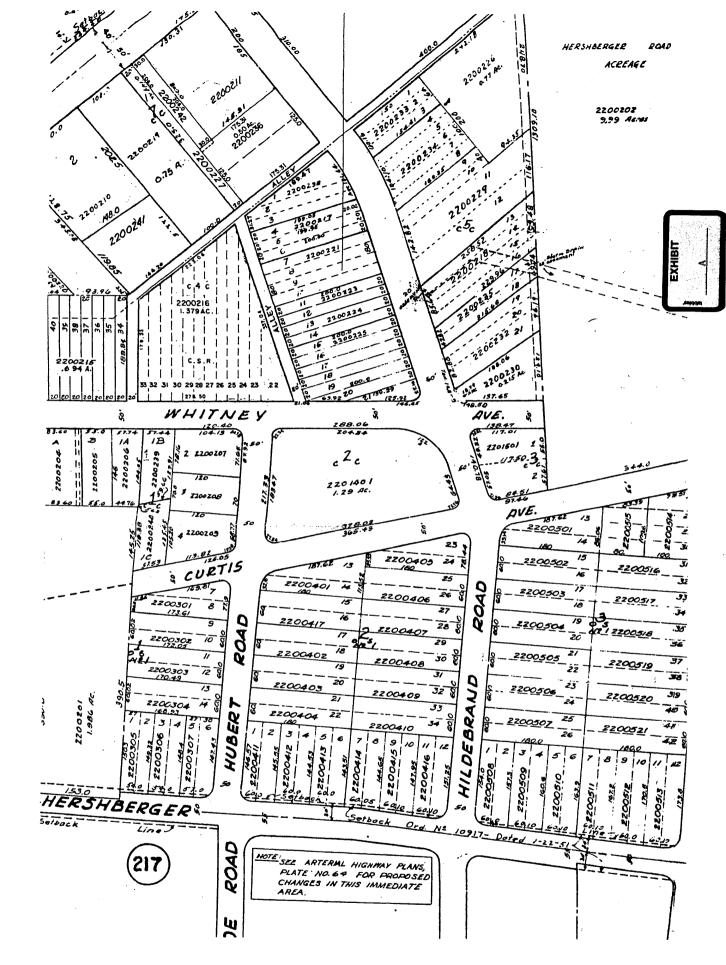
By: Majelon F Yeallatty
OpCounsel

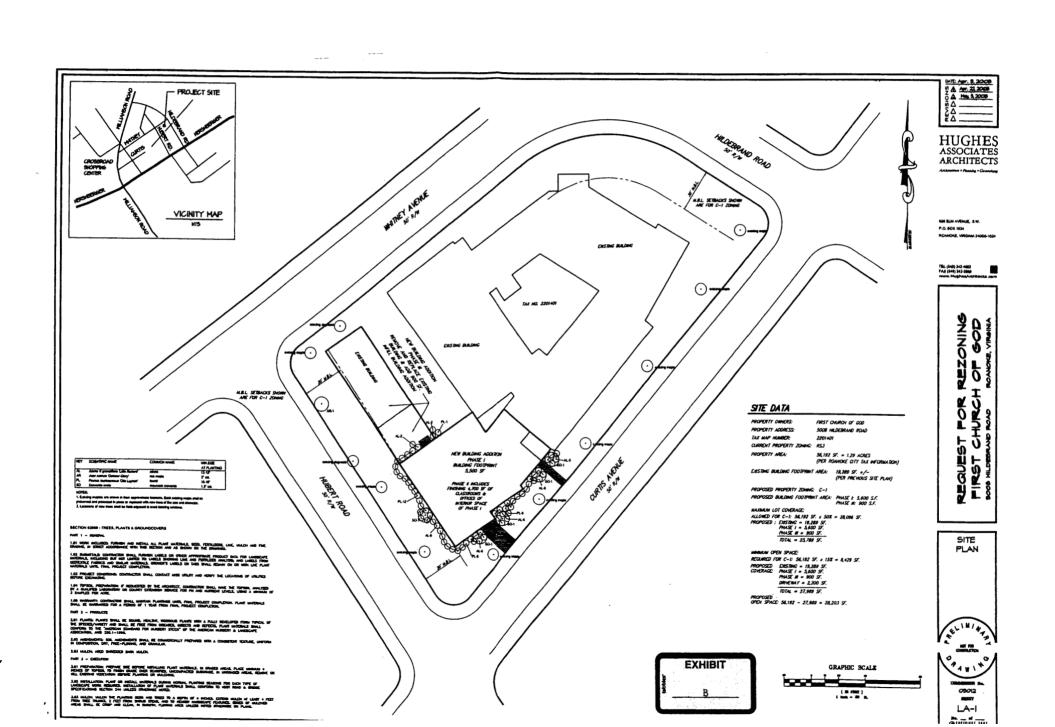
Maryellen F. Goodlatte, Esq. Glenn, Feldmann, Darby & Goodlatte 210 1st Street, S.W., Suite 200 P. O. Box 2887 Roanoke, Virginia 24001-2887

(540) 224-8018 - Telephone (540) 224-8050 - Facsimile mgoodlatte@gfdg.com First Church of God, owner of the property subject to this third amended petition, hereby consents to this third amended rezoning petition and agrees to be bound by the conditions that are proffered in this third amended petition.

FIRST CHURCH OF GOD

its:





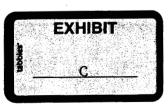
ADJOINING PROPERTY OWNERS

FOR

Tax Parcel Numbered 2201401 5008 Hildebrand Road, N.W. Lot Acreage, Block 2, Church Court

TRUSTEES, CHURCH OF GOD, ANDERSON, INDIANA

Tax Map Number	Owner/Owners and Mailing Address	
2200225	Trustees, First Church of God 5125 Hildebrand Road, N.W. Roanoke, Virginia 24012	
2200216	The Carpet Shop of Roanoke, Inc. P. O. Box 12068 Roanoke, Virginia 24022	
2200207	Wilton Victor Cooper 5014 Hubert Road, N.W. Roanoke, Virginia 24012	
2200208	Helen V. Clower 5008 Hubert Road, N.W. Roanoke, Virginia 24012	
2200209	Gary C. Smart Rhonda R. Smart 5002 Hubert Road, N.W. Roanoke, Virginia 24012	
2200301	James Earl Greer 4932 Hubert Road, N.W. Roanoke, Virginia 24012	
2200401	Jody A. Chambers 4935 Hubert Road, N.W. Roanoke, Virginia 24012	



2200405	Chad W. Portnova Kendra F. Portnova 4940 Hildebrand Road, N.W. Roanoke, Virginia 24012
2200502	Joyce Dodson 4937 Hildebrand Road, N.W. Roanoke, Virginia 24012
2200501	Delmas Russell Fulk 4943 Hildebrand Road, N.W. Roanoke, Virginia 24012
2201501	Jason M. Gunter 5001 Hildebrand Avenue, N.W. Roanoke, Virginia 24012
2200230	William R. Garcia Jerelene M. Garcia 1439 South Carrolton Drive Covington, Virginia 24426
2200232	Kenneth C. Falk Roberta E. Falk 1282 Poplar Hill Road Lexington, Virginia 24450



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 220, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading by title of this ordinance.

WHEREAS, First Church of God, has made application to the Council of the City of Roanoke to have the hereinafter described property rezoned from RS-3, Residential Single Family District, to C-1, Office District, subject to certain conditions proffered by the applicant; and

WHEREAS, the City Planning Commission, which after giving proper notice to all concerned as required by §36.1-693, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing on the matter, has made its recommendation to Council; and

WHEREAS, a public hearing was held by City Council on said application at its meeting on June 16, 2003, after due and timely notice thereof as required by §36.1-693, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were given an opportunity to be heard, both for and against the proposed rezoning; and

WHEREAS, this Council, after considering the aforesaid application, the recommendation made to the Council by the Planning Commission, the City's Comprehensive Plan, and the matters presented at the public hearing, is of the opinion that

the hereinafter described property should be rezoned as herein provided.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. Section 36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 220 of the Sectional 1976 Zone Map, City of Roanoke, be amended in the following

particular manner and no other:

Certain property located at 5008 Hildebrand Road and designated on Sheet No. 220 of the Sectional 1976 Zone Map, City of Roanoke, as Official Tax No. 2201401, be, and is hereby rezoned from RS-3, Residential Single Family District, to C-1, Office District, subject to the proffers contained in the Third Amended Petition filed in the Office of the City Clerk on May 23, 2003, and that Sheet No.220 of the 1976 Zone Map be changed in this respect.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



Board of Zoning Appeals
Planning Commission

CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166 Roanoke, Virginia 24011 Telephone: (540) 853-1730 Fax: (540) 853-1230 E-mail: planning@ci.roanoke.va.us

June 16, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject:

Request from VHF, LLC, a Virginia limited liability company, represented by Stephen W. Lemon, attorney, that a tract of land described as Official Tax Map No. 1440705, 1736 Grandin Road, S.W., Roanoke, Virginia, be rezoned from RM-2, Residential Multifamily, Medium Density District, to CN, Neighborhood Commercial District, such rezoning to be subject to certain conditions proffered by the petitioner.

Planning Commission Action:

Public hearing was held on Thursday, May 15, 2003. By a vote of 4-0 (Messrs. Chrisman and Rife absent), the Commission recommended approval of a second amended petition to rezone.

Background:

A petition to rezone, with conditions, was filed on April 3, 2003. An amended petition, with conditions, was filed on May 6, 2003. A second amended petition to rezone, with conditions, was filed on May 19, 2003.

Conditions proffered by the petitioner are as follows:

1. The architectural style of the exterior of the existing building shall be maintained in substantial conformity with its existing appearance unless destroyed by casualty to such an extent that reconstruction

would not be feasible. This proffer shall not include preservation of the existing roof material or affect the ability to remove the recently added enclosed porch at the rear of the existing building or the second story additions to the wings at the sides of the existing structure as set forth in Exhibit B.

- 2. The current orientation of the front and side of the existing structure shall be maintained and no additional impervious surfaces for parking shall be allowed between the existing structure and the property lines on Grandin Road and Sherwood Avenue other than the addition of a 4' wide by 20' long impervious strip parallel to the existing driveway as necessary to create the access aisle required by building code to qualify as handicapped parking.
- 3. The Property shall be used for only the following CN permitted uses:
 - a) Dwellings located above ground floor nonresidential uses;
 - b) Elementary and secondary schools;
 - c) Trade and art schools of a nonindustrial nature;
 - d) Day care centers with unlimited capacity subject to the requirements of section 36.1-510 et seq.;
 - e) Day care facilities for the elderly with unlimited capacity;
 - f) Churches, synagogues and other places of worship, including accessory columbariums;
 - g) Libraries, museums, art galleries and art studios and other similar uses including associated educational and instructional activities;
 - h) General and professional offices including financial institutions;
 - i) Medical offices: and
 - i) Funeral homes.

- 4. With the exception of the handicap parking addressed above, all parking spaces will be located to the rear of the existing building.
- 5. Any new construction on the Property will be by way of a single stand alone building not to exceed 5000 total gross square feet. Any such new construction shall be oriented to face Sherwood Avenue, utilize the existing curb cut on Sherwood Avenue and the existing alley and driveway for access, will not have any off street parking between the front (Sherwood Avenue) of the building and Sherwood Avenue, shall not exceed two stories in height, shall be constructed with a hip roof, shall have a brick façade on the front (Sherwood Avenue) and the two sides, all windows installed on the front (Sherwood Avenue) and the two sides shall have a ratio of width to height of 3 to 5, and the front façade (Sherwood Avenue) shall be set back at least 15 feet from Sherwood Avenue.

- 6. Any free standing signs erected on the Property shall be monument signs not exceeding 6 feet in height and shall be limited to one facing on Grandin Road and one facing on Sherwood Avenue. Said monument signs shall not exceed 25 square feet of sign surface area per sign face. Said monument signs shall not be internally illuminated but may be illuminated by ground lights directed toward the sign face.
- 7. Any lighting of the parking areas shall be down lit or shielded from adjoining properties and any light poles shall not exceed 12 feet in height.

Considerations:

The subject property is a corner lot at the intersection of Grandin Road and Sherwood Avenue, S.W. The 25,000 square foot parcel has 100 feet of frontage on Grandin Road and 250 feet on Sherwood Avenue. A twenty-foot improved alley (Sweetbrier Lane) runs along the southeastern boundary of the parcel.

A two-story residential structure, oriented to Grandin Road, is located on the site. Built in 1926 as a single-family residence, the structure has been converted to a four-unit, multi-family dwelling.

The subject property is zoned RM-2, Residential Multifamily, Medium Density. Adjoining properties are zoned RM-2 and RS-3, Residential Single Family. Two parcels in this block of Grandin Road are zoned C-1, Office District. This block includes several non-residential land uses on some of the residentially zoned properties as well as on those zoned commercially. A breakdown of the area's zoning and land use activities is as follows:

- The three other parcels on the east side of Grandin Road between Sherwood Avenue and Windsor Avenue are zoned RM-2, and contain two multi-family dwellings (60 and 12 units respectively) and a church.
- The five parcels on the west side of Grandin Road between Sherwood and Windsor Avenues are zoned RM-2 and C-1, Office District.
 - The three RM-2 parcels contain a post office, daycare facility, and a single-family dwelling. The daycare facility is located in a converted residential structure, while the post office, located directly across Grandin Road from the subject property, is a commercial building in terms of appearance and volume of traffic.
 - The two C-1 parcels, located on the Windsor Avenue end of the block, include office uses, one of which is conditionally restricted to an existing residential structure.
- The pattern of C-1, Office District, zoning on Grandin Road continues northward toward Grandin Village, where a changeover to a predominant CN, Neighborhood Commercial, zoning pattern occurs.

- The two parcels across Sherwood Avenue from the subject property are zoned RM-2 and contain single-family dwellings.
- The property on the southwest corner of the intersection of Grandin Road and Sherwood Avenue contains a multi-family dwelling (14 units).
- Parcels to the east of the subject property, fronting on Greenwood Road, are zoned RS-3, Residential Single Family, and are developed with singlefamily dwellings.

The Raleigh Court Neighborhood Plan includes the following goal statements:

- Assess the appropriateness of future commercial expansion in the following areas: Grandin between Sherwood and Memorial, Memorial between Denniston and Roanoke, and Brambleton between Brandon and Persinger. (p. 35, Commercial Development, Goal 9)
- The third goal for Commercial Development is to improve the relationship of commercial uses to surrounding residential areas. The strategy in support of this goal is to ensure that new or expanded commercial uses are compatible with adjacent residences. (p. 27, Commercial Development)

The subject property is located within the area designated by the neighborhood plan for consideration of commercial expansion. Given the adjacent residential districts and the plan's goal of ensuring the compatibility of new or expanded commercial uses with adjacent residences, the petitioner provides definitive and measurable characteristics of any potential development or redevelopment on the site as follows:

- 1. In order to maintain the residential appearance of the property from the street, the residential architectural character of the existing structure will be maintained and off-street parking will be located to the rear of the building, except for handicapped access.
- 2. In order to reduce the intensity of use on the property and minimize any potential adverse impact on the adjacent residential neighborhood, the proffered permitted uses preclude the property being used for retail or service establishments otherwise permitted in CN.
- 3. In order to address the compatibility of any new structure on the property with the prevailing character of the surrounding neighborhood, the petition includes the following measurable provisions regarding the "residential character" of any new construction on the site:
 - Orientation of a new building to Sherwood Avenue with the prohibition of off-street parking between the front façade of the building and Sherwood Avenue;

- b. Limiting access through the use of an existing curb cut and the alley;
- c. Capping the square footage at a total of 5,000 square feet and the number of stories of the building at two to retain a height and scale compatible with the existing residential structure on the site;
- d. Requiring a brick façade on the front and sides of the building, given the brick façade of the existing residential structure on the site:
- e. Prescribing a hip roof; and
- f. Delineating a width to height ratio that is characteristic of residential-style windows.
- 4. In order to further address the compatibility of development and redevelopment on the site with the surrounding neighborhood, the petitioner has included signage and lighting proffers.
 - a. The signage proffers restrict the type of freestanding signs to monument signs and significantly reduce the height of such signs and their sign surface area.
 - Specifically, with the signage proffers, monument signs will be limited to six feet in height, compared to Neighborhood Commercial (CN) sign regulations that permit freestanding signs up to 25 feet in height.
 - ii. The signage proffer further limits the sign surface area on those monument signs to 25 square feet per sign face.
 - b. The lighting proffer restricts any lighting of the parking area to be down lit or shielded from adjoining properties and limits the height of light poles to a maximum of 12 feet. The 12-foot height is a pedestrian-scaled light and further reduces the potential for light spillover.

The City Traffic Engineer foresees no significant traffic impact on the neighborhood given the permitted uses, size of the existing structure and potential structure, and the fact that access to the subject property does not require traveling through the balance of the neighborhood. Curb cuts are limited to those existing on the site along with access via the alley.

Given the existing nonresidential uses in this area of Grandin Road and the impact on the subject property, the rezoning request is a reasonable development strategy. The petitioner's request for the CN zoning designation, with conditions that limit the permitted uses and maintain the residential scale of the street, allows for an appropriate transitional use buffer between the intensive retail and service uses and higher density housing of Grandin Road and the balance of the neighborhood. If the rezoning were approved, the development regulations in the zoning ordinance would require a 10' wide landscaped buffer on the subject property where it abuts a residential zone. The existing alley

would further separate the subject property from the abutting residential use to the east on Sherwood Avenue.

Development of the site as proposed is consistent with **Vision 2001-2020's** policies of encouraging a mixture of uses and mixed use infill in appropriate areas, encouraging the adaptive reuse of existing structures, and maintaining the integrity of existing neighborhoods. Specifically, the proposed development is consistent with the following policies of **Vision 2001-2020**:

- 1. "Village centers vary in size and scale depending on the nature of uses and size of the surrounding neighborhood." (p. 40, Strategic Initiative: Village Centers)
- 2. "Commercial Development: Roanoke will encourage commercial development in appropriate areas (i.e., key intersections and centers) of Roanoke to serve the needs of citizens and visitors." (p. 59, ED P6)
- 3. "Village Centers: Village centers will be pursued as an economic development strategy to strengthen neighborhoods and the City's economy." (p. 59, ED P8)
- 4. "Off-street parking is added to the rear of the buildings." (p. 97, Small Village/Neighborhood Center, Parking)

The proffered permitted uses of the property are consistent with "neighborhood commercial" in a residential context that is compatible with the surrounding neighborhood. Approval of this request would facilitate the adaptive reuse of a residential structure, meet **Vision 2001-2020's** policy of encouraging compact, efficient development of urban sites, and provide a transitional buffer area between the more intense retail areas of the village center (Grandin Village) and medium to high density housing and the nearby low density, single-family residential areas.

On May 1, 2003, the board of the Raleigh Court Civic League met to discuss this petition. Mr. Tom Hanes, president, communicated by phone with staff that the Civic League does not intend to take a formal position on this petition, in support of or against. Staff received a phone call from Mr. Paul Finney, 1855 Greenwood Road, stating his inability to attend the Planning Commission public hearing but voicing his objection to the request to rezone the subject property to commercial use. He would like for the property to remain residential.

During the Planning Commission public hearing, Stephen Lemon, attorney, presented the request on behalf of the petitioner. Nancy Snodgrass, City Planner, presented the staff report, recommending approval of the request with proffered conditions.

Planning Commission discussion included the following:

- Exhibit B is a concept plan and not a proffered site plan
- No official position taken by the Raleigh Court Civic League
- Proffering an architectural rendering or elevation of new construction on the site (petitioner was not ready to do that so the residential character of the proposed structure is embodied in the language proffers)

A letter from Mr. Landon M. Arrington, 1920 Sherwood Avenue, was entered into the record at the public hearing. Said letter expressed support for the petition, with proffered conditions, provided one additional concern be addressed by the petitioner; namely, that the potential new structure on the site be set back from the Sherwood Avenue property line in order to provide for landscaping and a setback in keeping with residential areas (given that CN would require no minimum front setback from Sherwood). Mr. Lemon agreed to file a second amended petition that includes a proffer that any new structure built on the site will be set back 15 feet from the Sherwood Avenue property line.

Recommendation:

By a vote of 4-0, the Commission recommended approval of the rezoning request, with conditions, as further amended by the additional proffer regarding the front setback of any new construction on the site. The Commission felt that the proffered permitted uses and conditions that protect the residential scale of the neighborhood were appropriate.

Respectfully submitted,

Robert B. Manetta, Chairman Roanoke City Planning Commission

Robert B. Manetta

cc: Darlene L. Burcham, City Manager
Rolanda Russell, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
Stephen W. Lemon, Attorney for the Petitioner
Tom Hanes, President, GRCCL

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:

Rezoning of a tract of land described as Roanoke City Tax Map No. 1440705, 1736 Grandin Road, SW, Roanoke, Virginia 24105, Lots 1 and 2, Block 17, Raleigh Court, from RM-2, Residential Multifamily, Medium Density District to CN, Neighborhood Commercial District, such rezoning to be subject to certain conditions proffered by the Petitioner.

Second AMENDED PETITION TO REZONE

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF ROANOKE:

- I. The Petitioner, VHF, LLC, a Virginia limited liability company, owns land in the City of Roanoke containing 25,000 square feet more or less, located at 1736 Grandin Road, SW, Roanoke, Virginia 24015 being Lots 1 and 2, Block 17, Raleigh Court, Tax Map No. 1440705 (the "Property"). Said tract is currently zoned RM-2, Residential Multifamily, Medium Density District. A map of the property to be rezoned is attached hereto as Exhibit A. A concept plan is attached hereto as Exhibit B.
- II. Pursuant to Section 36.1-690, Code of the City of Roanoke (1979), as amended, the Petitioner requests that the Property be rezoned from RM-2, Residential Multifamily, Medium Density District, to CN, Neighborhood Commercial District, subject to certain conditions set forth below, for the purpose of permitting Petitioner to utilize the Property for a commercially viable use, including professional offices, and to thereby preserve the structure located on the property by ensuring its continued economic viability.
- III. The Petitioner believes the rezoning of the Property will further the intent and purposes of the City's Zoning Ordinance and its comprehensive plan, in that it will:

- 1. The rezoning will allow limited commercial use of the Property without changing the essential architectural character of the existing structure, a private residence built in the year 1926.
- 2. The rezoning will not alter the existing character of the neighborhood, which is a blend of single family, multifamily dwellings and commercial uses within Grandin Village. Grandin Road, the street on which the property is located, is the main commercial corridor in this part of the neighborhood. The block on which the property is located contains two large apartment dwellings and a large church on the same side of the street as the Property, and a post office, a daycare center and an office building across the street.
- 3. The Property is specifically identified in the "Greater Raleigh Court Neighborhood Plan May 1999" ("Raleigh Court Plan") on the map entitled "Action Strategies" (page 24) as an expansion area for the commercial area encompassed by the Grandin Village center. The Raleigh Court Plan, in its "Commercial Development" subsection, indicates that modest expansion of the commercial district along Grandin Road towards Brandon Avenue may have positive attributes. This plan also encourages the neighborhood scale and friendly atmosphere of Grandin Village, the preservation of existing structures to the extent possible, and encouragement of local ownership of business properties. VHF, LLC is controlled by members who live and work in the Raleigh Court neighborhood.
- 4. Goal nine of the "Commercial Development Priority Goals and Action Strategies" in the Raleigh Court Plan specifically addresses future commercial expansion in the area of Grandin between Sherwood and Memorial. The proffers

listed below shall implement goal ten by insuring that the expansion of the commercial uses will be good neighbors to residential uses. This petition has been carefully crafted to encourage the vitality and modest expansion of Grandin Village while ensuring the residential character of the architecture and a controlled transition to the residential use.

- 5. The City of Roanoke Comprehensive Plan Vision 2001/2020 (the "Comprehensive Plan") is clear in its strong recommendation that village centers should be encouraged and that the village centers will serve as vibrant and accessible places for business, community services and activities. The proposed rezoning of the Property to CN within the designated area of possible expansion set forth in the Raleigh Court Plan shall achieve the goal of the Comprehensive Plan that commercial activity not encroach onto surrounding residential areas. Village center action point NHA3 in the Housing and Neighborhood Section specifically contemplates and encourages rezoning existing and potential village center locations to encourage and accommodate higher density development and a mixture of uses.
- 6. Village center action point EDA36 in the Economic Development Section encourages the growth and sustainability of village centers.
- 7. The proffers set forth in this petition will advance the design principles regarding village centers set forth in chapter 4 of the Comprehensive Plan.
- IV. The Petitioner hereby proffers and agrees that if the said tract is rezoned as requested, that the rezoning will be subject to, and that the Petitioner will abide by, the following conditions:

- 1. The architectural style of the exterior of the existing building shall be maintained in substantial conformity with its existing appearance unless destroyed by casualty to such an extent that reconstruction would not be feasible. This proffer shall not include preservation of the existing roof material or affect the ability to remove the recently added enclosed porch at the rear of the existing building or the second story additions to the wings at the sides of the existing structure as set forth in Exhibit B.
- 2. The current orientation of the front and side of the existing structure shall be maintained and no additional impervious surfaces for parking shall be allowed between the existing structure and the property lines on Grandin Road and Sherwood Avenue other than the addition of a 4' wide by 20' long impervious strip parallel to the existing driveway as necessary to create the access isle required by building code to qualify as handicapped parking.
- 3. The Property shall be used for only the following CN permitted uses:
 - a) Dwellings located above ground floor nonresidential uses;
 - b) Elementary and secondary schools;
 - c) Trade and art schools of a nonindustrial nature;
 - d) Day care centers with unlimited capacity subject to the requirements of section 36.1-510 et seq.;
 - e) Day care facilities for the elderly with unlimited capacity;
 - f) Churches, synagogues and other places of worship, including accessory columbariums;
 - g) Libraries, museums, art galleries and art studios and other similar uses including associated educational and instructional activities:
 - h) General and professional offices including financial institutions;
 - i) Medical offices: and
 - j) Funeral homes.

- 4. With the exception of the handicap parking addressed above, all parking spaces will be located to the rear of the existing building.
- 5. Any new construction on the Property will be by way of a single stand alone building not to exceed 5000 total gross square feet. Any such new construction shall be oriented to face Sherwood Avenue, utilize the existing curb cut on Sherwood Avenue and the existing alley and driveway for access, will not have any off street parking between the front (Sherwood Avenue) of the building and Sherwood Avenue, shall not exceed two stories in height, shall be constructed with a hip roof, shall have a brick facade on the front (Sherwood Avenue) and the two sides, all windows installed on the front (Sherwood Avenue) and the two sides shall have a ratio of width to height of 3 to 5, and the front facade (Sherwood Avenue) shall be set back at least 15 feet from Sherwood Avenue.
- 6. Any free standing signs erected on the Property shall be monument signs not exceeding 6 feet in height and shall be limited to one facing on Grandin Road and one facing on Sherwood Avenue. Said monument signs shall not exceed 25 square feet of sign surface area per sign face. Said monument signs shall not be internally illuminated but may be illuminated by ground lights directed toward the sign face.
- 7. Any lighting of the parking areas shall be down lit or shielded from adjoining properties and any light poles shall not exceed 12 feet in height.

WHEREFORE, the Petitioner requests that the above-described tract be rezoned as requested in accordance with the provisions of the Zoning Ordinance of the City of Roanoke.

Respectfully submitted this 15 day of May, 2003.

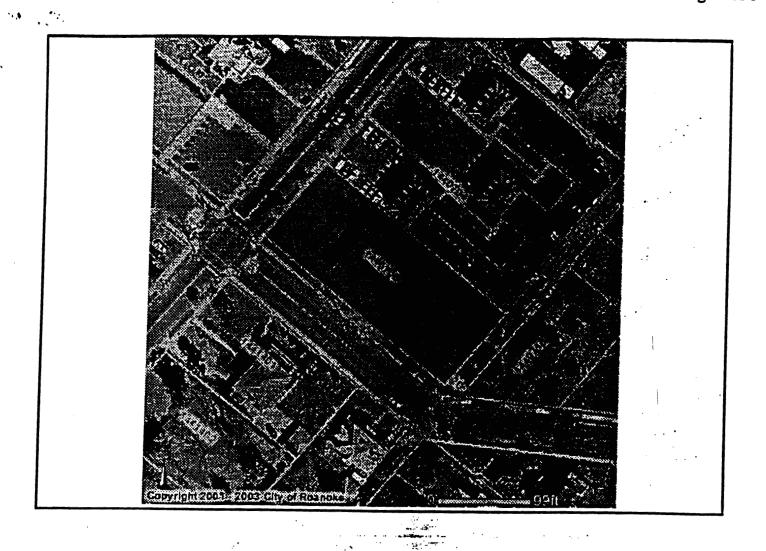
Respectfully submitted,

VHF, LLC, a Virginia limited ligbility company

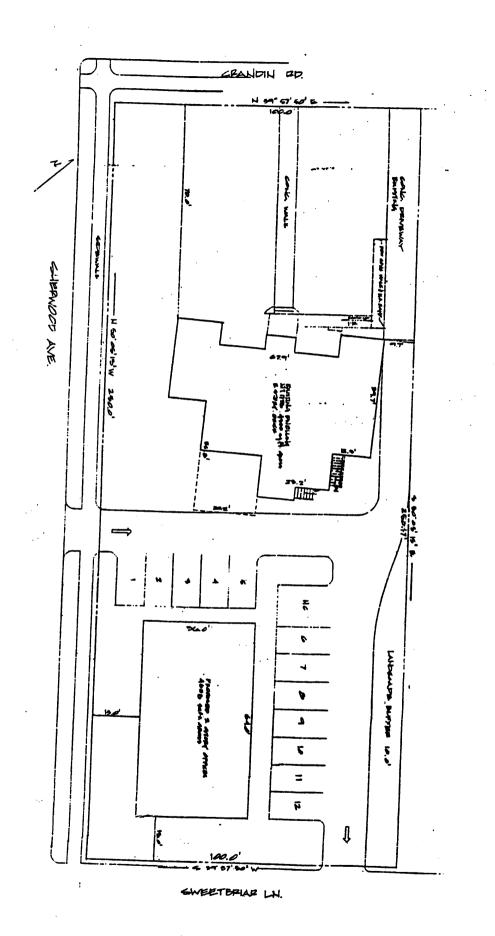
By:

Γitle: *////*

Stephen W. Lemon, Esq. Martin, Hopkins, & Lemon, P.C. P.O. Box 13366 Roanoke, VA 24033 540-982-1000 VSB No 33900





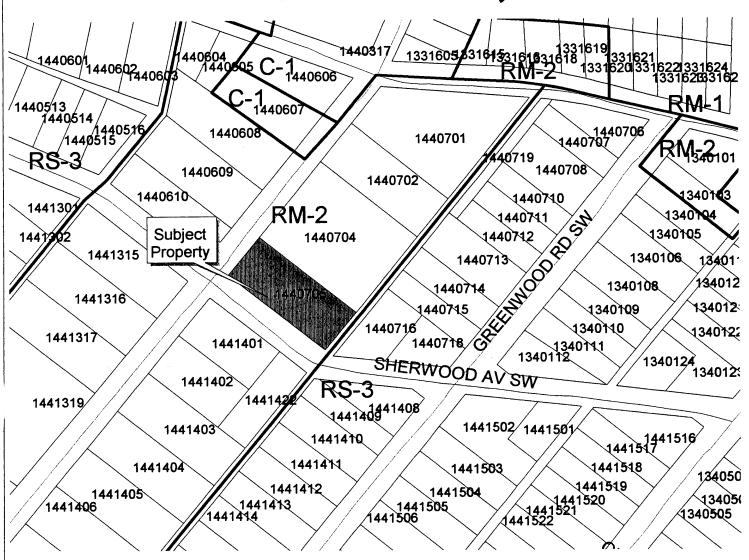


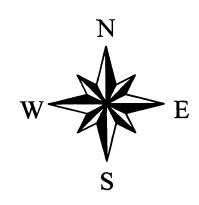
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EXHIBIT C

	_.	
Official Tax No./ Street Address	Name of Property Owner	Mailing Address
1440609	Delford L. & Evelyn C. Cole	P.O. Box 4656 Roanoke, VA 24015
1440610	Daniel E. Winkelman	1374 Young Wood Cir Folsom, CA 95630
1440704	Grandin Village, LLC	4386 Sheldon Drive Roanoke, VA 24018
1440716	Cheryl A. Austin	1917 Sherwood Ave, SW Roanoke, VA 24015
1441315	B C J R Properties	30 Franklin Road, SW Suite 800 Roanoke, VA 24011
1441401	Paul A. & Susan R. Henny	1802 Grandin Road, SW Roanoke, VA 24015
1441422	Landon M. Arrington, II	1920 Sherwood Ave, SW Roanoke, VA 24015
1441408	Edward J. & Elizabeth G. Bennett	1801 Greenwood Rd, SW Roanoke, VA 24015
1441409	Dennis U. Jr. & Marie V. Austin	1811 Greenwood Rd, SW Roanoke, VA 24015

1736 Grandin Rd, SW







IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 144, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading by title of this ordinance.

WHEREAS, VHF, LLC, a Virginia limited liability company, has made application to the Council of the City of Roanoke to have the hereinafter described property rezoned from RM-2, Residential Multi-family, Medium Density District, to CN, Neighborhood Commercial District, subject to certain conditions proffered by the applicant; and

WHEREAS, the City Planning Commission, which after giving proper notice to all concerned as required by §36.1-693, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing on the matter, has made its recommendation to Council; and

WHEREAS, a public hearing was held by City Council on said application at its meeting on June 16, 2003, after due and timely notice thereof as required by §36.1-693, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were given an opportunity to be heard, both for and against the proposed rezoning; and

WHEREAS, this Council, after considering the aforesaid application, the recommendation made to the Council by the Planning Commission, the City's Comprehensive Plan, and the matters presented at the public hearing, is of the opinion that the hereinafter described property should be rezoned as herein provided.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. Section 36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 144 of the Sectional 1976 Zone Map, City of Roanoke, be amended in the following particular manner and no other:

A certain tract of land described as Roanoke City Tax Map No. 1440705, 1736 Grandin Road, S.W., Lots 1 and 2, Block 17, Raleigh Court, and designated on Sheet No. 220 of the Sectional 1976 Zone Map, City of Roanoke, be, and is hereby rezoned from RM-2, Residential Multi-family, Medium Density District, to CN, Commercial Neighborhood District, subject to the proffers contained in the Second Amended Petition filed in the Office of the City Clerk on May 19, 2003, and that Sheet No.144 of the 1976 Zone Map be changed in this respect.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166 Roanoke, Virginia 24011 Telephone: (540) 853-1730 Fax: (540) 853-1230 E-mail: planning@ci.roanoke.va.us

Architectural Review Board Board of Zoning Appeals Planning Commission

June 16, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request from Patricia C. Clowser and Tammy E. Tester, to

amend proffered conditions on property bearing Official Tax

No. 3101215, located on Fugate Road, N.E.

Planning Commission Action:

Public hearing was held on Thursday, May 15, 2003. By a vote of 4-0 (Messrs. Chrisman and Rife absent), the Commission recommended approval of a second amended petition to amend proffers.

Background:

In July, 1988, by Ordinance Number 29201, Tax Map Number 3101209 was rezoned from RM-1, Residential Multifamily, Low Density District, to RM-2, Residential Multifamily, Medium Density District, with conditions, in order to allow construction of a four-unit dwelling. Subsequently, in July, 2000, Tax Map Number 3101209 was subdivided into three parcels, creating Tax Map Number 3101209 and Tax Map Number 3101215, the subject parcel of this petition, and combining the rear portion of the original parcel with Tax Map Number 3101206. A petition to amend proffered conditions was filed on March 26, 2003. An amended petition was filed on April 29, 2003. A second amended petition was filed on May 22, 2003.

The two conditions presently binding upon the subject property as a result of the conditional RM-2, Residential Multifamily, Low Density District, rezoning in 1988 are as follows:

- 1. The property will be developed in substantial compliance with plan prepared by The Works, Inc., Designers, Builders and Developers dated June, 1988, subject to any changes required by the City during site plan review.
- 2. The front elevation of the structure shall be as shown on the aforesaid plan prepared by The Works, Inc., Designers, Builders and Developers dated June, 1988.

The petitioners request that the two proffers set forth above be repealed as they apply to Tax Map Number 3101215, and that Official Tax No 3101215 only be subject to the following proffered conditions:

- 1. Permitted principal uses on the property shall be limited to a single-family detached dwelling.
- 2. The front elevation of the structure shall be as shown on Exhibit 2, Official Tax Map Number 3101215 Front Elevation, dated April 24, 2003, and attached hereto, with said structure oriented to Fugate Road, and with the front porch constructed in a manner that complies with the following standards:
 - a. The underside of the front porch between pier supports and the underside of the front porch stairway shall be completely enclosed:
 - b. The front porch stairs shall have solid risers and treads; and
 - c. The front porch railings shall have a top and bottom rail. Baluster ends shall not be exposed.
- 3. The front yard shall be equal to the shallowest of the adjoining front yards or thirty (30) feet, whichever is less.

Considerations:

The 11,458 square foot parcel is located in a single family residential neighborhood comprised of a mix of one, one-and-a-half, and two-story homes. All adjoining properties are single-family uses. The majority of the surrounding area is zoned RM-1, Residential Multifamily, Low Density District. The parcels to the south and the west are zoned RM-1. The adjacent parcels to the north and east are zoned RM-2, Residential Multifamily, Medium Density District. Those two abutting parcels, Tax Map Numbers 3101206 and 3101209, combined with the subject parcel, comprised the tract rezoned from RM-1 to RM-2 in July 1988.

The four-unit structure proposed and proffered in 1988 was never built. The petitioners bought the subject property created by the July 2000 subdivision in February 2003. Since the proffered conditions are tied to the land itself, any new construction on the subject parcel must satisfy the existing proffers from the July 1988 conditional rezoning. The petitioners propose to build a single-family

detached dwelling on the subject property. In order for that to occur, a repeal of the existing proffers is required.

Single-family dwellings are a permitted use in an RM-2, Residential Multifamily, Medium Density District; a rezoning to a less intense zoning district is not necessary. With the repeal of the proffers, the petitioners will be allowed to build a single-family home on the subject parcel.

The proffer of the current petition to permit a single-family dwelling on the property is a more consistent use with the character of the surrounding structures, than a four-unit dwelling would be. A multi-family dwelling would be a higher-intensity use that is out of character in this predominantly single-family neighborhood.

In addition, the petitioners' proffers of a front elevation oriented to Fugate Road and a front yard setback consistent with the adjoining front yards, provide adequate assurance that the new structure will be compatible with the surrounding neighborhood and streetscape.

The request to repeal and amend proffers on the parcel is consistent with the following policies and statements of **Vision 2001-2020**, the City's Comprehensive Plan:

- Housing Stock: New residential development is constrained by the limited number and size of available sites (p.35).
- Traditional Neighborhoods, Design Principles: Houses should be consistent in terms of front yard and bulk (p.90).
- Housing Strategy: Encourage quality infill development that reflects the character of the neighborhood (p.124 NH A29).

No one has contacted the planning staff in opposition to this petition.

During the Planning Commission public hearing, Mrs. Patricia Clowser, copetitioner, presented the request. Nancy Snodgrass, City Planner, presented the staff report, recommending approval of the request.

Planning Commission discussion centered on the following issues regarding the proposed single-family dwelling:

- Overhangs
- Front porch construction

Mr. Williams asked if the proposed house had overhangs (front and rear soffits) of any significance. Mrs. Snodgrass provided a copy of the house elevations from which the front elevation had been proffered. The right and left side elevations delineate a twelve-inch overhang on the front and rear. Mr. Williams also inquired about the construction of the front porch and indicated that, based

on Neighborhood Design District standards recently adopted by the City to ensure quality infill development, the undersides of front porches should be enclosed, risers should be solid and not open, and railings should have a top and bottom rail into which the balusters are tied. Although this area is not targeted for the Neighborhood Design District overlay designation, Mr. Williams expressed that such standards for front porches and stairs are important for quality infill development. In a discussion with Mrs. Clowser and the contractor, Mr. Danny Tester, it was agreed that a second amended petition would be filed to address the construction of the front porch and stairs in terms of enclosure of foundation, installation of solid risers, and construction of a handrail and balusters that included a top and bottom railing.

Recommendation:

By a vote of 4-0 (Mr. Chrisman and Mr. Rife absent) the Commission recommended approval of the request, with the additional proffers regarding the front porch. Given the surrounding land use pattern and the proffered conditions of this petition, the Commission felt the request was appropriate.

Respectfully submitted,

Robert B. Manetta, Chairman

Roanoke City Planning Commission

Robert Manetta

cc: Darlene L. Burcham, City Manager

Rolanda Russell, Assistant City Manager for Community Development

William M. Hackworth, City Attorney

Steven J. Talevi, Assistant City Attorney

Patricia C. Clowser, Petitioner

Tammy E. Tester, Petitioner

SECOND AMENDED PETITION TO AMEND PROFFERS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:

Amendment of Proffered Conditions for a parcel of land located on Fugate Road, N.E., in the City of Roanoke, identified as Official Tax Map Number 3101215, containing a total of 0.2630 acres, more or less.

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF ROANOKE:

The Petitioners, Patricia C. Clowser and Tammy E. Tester, own land in the City of Roanoke containing 0.2630 acres, more or less, located on Fugate Road, N.E., and identified as Official Tax Map Number 3101215. Said parcel is currently zoned RM-2, Residential Multifamily, Medium Density District, with conditions. A map of the subject property is attached as **Exhibit 1**.

WHEREAS, by Ordinance No. 29201, enacted on July 25, 1988, City Council rezoned Tax Map Number 3101209 from RM-1, Residential Multifamily, Low Density District, to RM-2, Residential Multifamily, Medium Density District, with conditions;

WHEREAS, by approval on July 3, 2000, in Map Book 1, page 2110, Tax Map Number 3101209 was subdivided into three parcels to create Tax Map Numbers 3101209 and 3101215, and combined the remaining rear portion with Tax Map Number 3101206; and

WHEREAS, Patricia C. Clowser and Tammy E. Tester, the present owners of Tax Map Number 3101215, desire to construct a single-family residential dwelling on that parcel.

Pursuant to Section 36.1-690, Code of the City of Roanoke (1979), as amended, the Petitioners request that the proffered conditions relative to Tax Map Number 3101215 be amended as hereinafter set forth.

The Petitioners hereby request that the proffered conditions enacted by Ordinance No. 29201 be repealed as they apply to Tax Map Number 3101215. Said proffers read as follows:

- 1) The property will be developed in substantial compliance with plan prepared by The Works, Inc., Designers, Builders and Developers dated June, 1988, subject to any changes required by the City during site plan review.
- The front elevation of the structure shall be as shown on the aforesaid plan prepared by The Works, Inc., Designers, Builders and Developers dated June, 1988.

Furthermore, the Petitioners agree that the property identified as Tax Map No. 3101215 shall be subject to the following proffered conditions:

- Permitted principal uses on the property shall be limited to a single-family detached dwelling.
- 2. The front elevation of the structure shall be as shown on Exhibit 2, Official Tax Map Number 3101215 Front Elevation, dated April 24, 2003, and attached hereto, with said structure oriented to Fugate Road, and with the front porch constructed in a manner that complies with the following standards:
 - a) The underside of the front porch between pier supports and the underside of the front porch stairway shall be completely enclosed;
 - b) The front porch stairs shall have solid risers and treads; and

c) The front porch railings shall have a top and bottom rail. Baluster

ends shall not be exposed.

3. The front yard shall be equal to the shallowest of the adjoining front yards

or thirty (30) feet, whichever is less.

The Petitioners believe that the requested amendment of proffers relative to the

said tract of land will further the intent and purposes of the City's Zoning Ordinance and

its comprehensive plan, in that it will facilitate the development of a single-family

dwelling unit on a vacant parcel in a neighborhood of predominantly single-family

residential uses and structures.

A concept plan is attached hereto as Exhibit 3. Attached as Exhibit 4 are the

names, addresses and tax numbers of the owner or owners of all lots or property

immediately adjacent to and immediately across a street or road from the subject

property.

WHEREFORE, the Petitioners request that the above-described proffers

applicable to Tax Map No. 3101215 be repealed and amended as requested in

accordance with the provisions of the Zoning Ordinance of the City of Roanoke.

Respectfully submitted this _20 th day of may, 2003.

Respectfully submitted,

By: <u>Patricia</u> Clruse

Patricia C. Clowser

Jamy E. Jesten

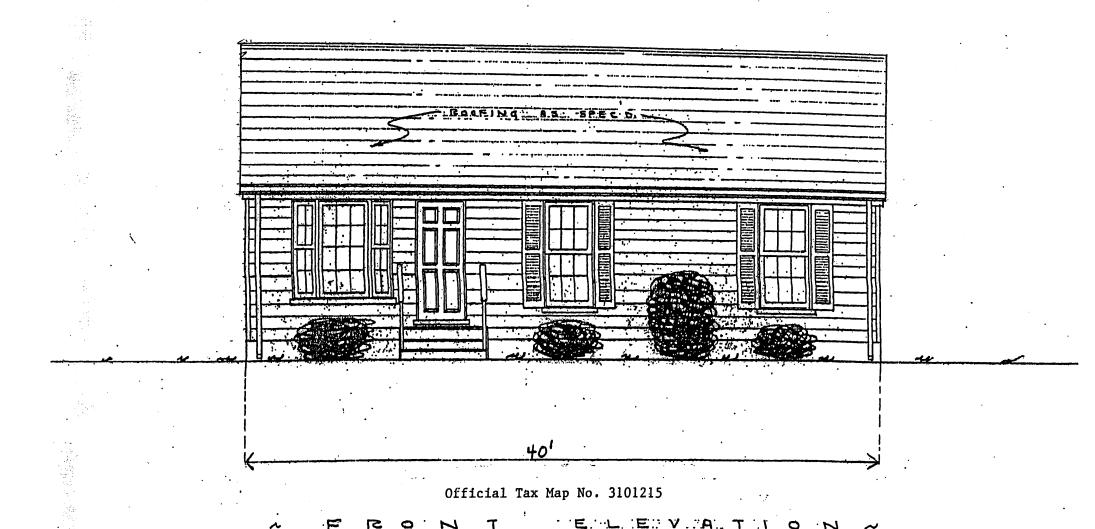
Tammy E. Tester

Patricia C. Clowser, Owner 21 Tahoe Lane Roanoke, Virginia 24019 (540) 992-1499 – Telephone

Tammy E. Tester, Owner 2262 Jordontown Road Thaxton, Virginia 24174 (540) 890-3219 - Telephone

Exhibit 1

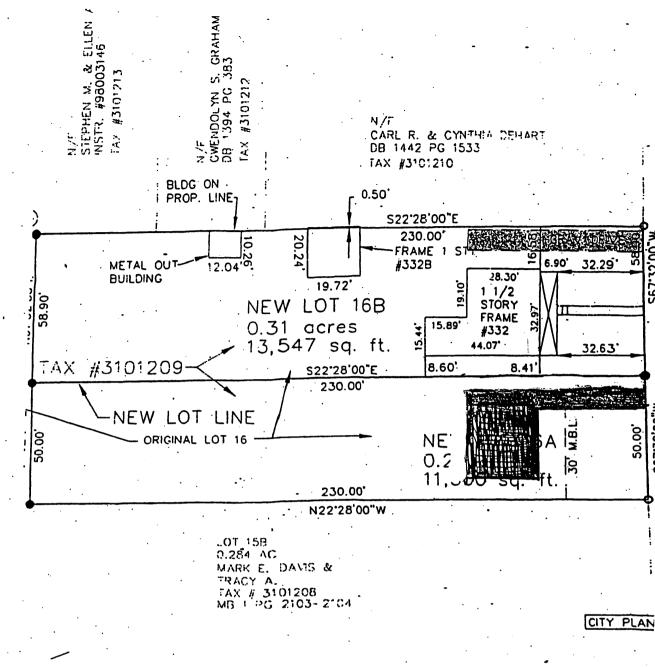
Exhibit 2



.. . SGALE . 4 ... 11.0. . . .

The foundation shrubbery as shown on this front elevation plan is for illustrative purposes only.

April 24, 2003



PLAT OF S **SHOW**

THE SUBDIVISIC BLOCK 3, LIBER 7 CREATING NEW LO (CITY PLAN

FOR COLLEGE DEVELO

LOCATE

M.A.

THE CITY OF ROAM

LEGEND

SURVEYED PROPERTY LINE DEED LINE

SET REBAR

EXISTING IRON FOUND

GRAPHIC SCALE



(IN FEET) 1 inch = 30 ft.

Concept Plan Exhibit

EXHIBIT 4

Adjoining Property Owners

Official Tax No./ Street Address	Property Owner	Mailing Address
#3101209 332 Fugate Rd. N.E.	College Development Corporation	5667 Capito St. N.E. Roanoke, VA 24019
#3101206 3039 Ellsworth St. N.E.	Mark E. & Tracy A. Davis	3039 Ellsworth St. N.E. Roanoke, VA 24019
#3100315 2919 Bradley St. N.E.	Berkley B. Jr. & Shelby P. Newbill	2919 Bradley St. N.E. Roanoke, VA 24019
#3101208 326 Fugate Rd. N.E.	Mark E. & Tracy A. Davis	3039 Ellsworth St. N.E. Roanoke, VA 24019



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE to amend §§36.1-3 and 36.1-4, Code of the City of Roanoke (1979), as amended, and Sheet No. 310, Sectional 1976 Zone Map, City of Roanoke, in order to repeal and amend certain conditions presently binding upon certain property previously conditionally rezoned from RM-1, Residential Multifamily, Low Density District, to RM-2, Residential Multifamily, Medium Density District, subject to certain conditions proffered by the applicant; and dispensing with the second reading by title of this ordinance.

WHEREAS, Patricia C. Clowser and Tammy E. Tester, filed an application to the Council of the City of Roanoke to amend certain conditions presently binding upon a tract of land located on Fugate Road, N.E., being further identified as Official Tax No. 3101215, which property was previously conditionally rezoned by the adoption of Ordinance No. 29201, enacted on July 25, 1988, subject to certain conditions proffered by the applicant; and

WHEREAS, the City Planning Commission, which after giving proper notice to all concerned as required by §36.1-693, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing on the matter, has made its recommendation to Council; and

WHEREAS, a public hearing was held by City Council on said application at its meeting on June 16, 2003, after due and timely notice thereof as required by §36.1-693, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were given an opportunity to be heard, both for and against the proposed amendment; and

WHEREAS, this Council, after considering the aforesaid application, the recommendation made to the Council by the Planning Commission, the City's Comprehensive Plan, and the matters presented at the public hearing, is of the opinion that the conditions now binding upon the above-described property should be amended as requested.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. Sections 36.1-3 and 36.1-4, Code of the City of Roanoke (1979), as amended, and Sheet No. 310 of the Sectional 1976 Zone Map, City of Roanoke, be amended, with respect to Official Tax No. 3101215, to repeal the proffered conditions contained in Ordinance No. 29201, adopted July 25, 1988, and replacing the same with the proffered conditions as more fully set forth in the Second Amended Petition filed in the Office of the City Clerk on May 22, 2003, and as set forth in the report of the Planning Commission dated June 16, 2003.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKEOFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

June 16, 2003

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Beverly T. Fitzpatrick, Jr., Council Member Honorable Linda F. Wyatt, Council Member

Subject:

Tax Exemption Request

Dear Mayor Smith and Members of City Council:

Background:

The Blue Ridge Small Business Development Center, Inc., owns the property known as Tax Map #s 1130511, 1130512, 1130514, 1130515, 1130516, 1130719, 1130814, and 1130809, located at 1354 Eighth St., SW. This property houses the New Century Venture Center, an incubator for small businesses. Annual taxes due for Fiscal Year 2003/2004 are \$4,663.34 on an assessed value of \$86,400 for the land and \$299,000 for the building.

The Blue Ridge Small Business Development Center, Inc., petitioned City Council on February 7, 2001, requesting adoption of a Resolution in support of the organization obtaining tax-exempt status from the General Assembly for its property located in the City of Roanoke. City Council adopted such a resolution, but the Center did not secure a sponsor during the 2002 session of the General Assembly for legislation to have its property declared tax exempt. As a result of a statewide constitutional referendum, during its last session, the General Assembly passed legislation requiring only a city or county's governing body's approval for tax-exempt status. Therefore, the Center's petition is once more before City Council.

Notification of a public hearing to be held June 16, 2003, was duly advertised in the Roanoke Times.

Honorable Mayor and Members of Council June 16, 2003 Page 2

Considerations:

On May 19, 2003, City Council approved a revised policy and procedure in connection with requests from non-profit organizations for tax exemption of certain property in the City by Resolution 36331-051903, adopting a revised Process for Determination of Property Tax Exemption dated May 19, 2003, with an effective date of January 1, 2003. The Blue Ridge Small Business Development Center, Inc. has provided the necessary information required as a result of the adjustments made to our revised local policy prior to the deadline of June 1, 2003.

Loss of revenue to the City will be \$3,730.68 annually after a twenty percent service charge is levied by the City in lieu of real estate taxes. This service charge will be \$932.66.

Commissioner of Revenue, Sherman Holland, has determined the organization is not exempt from paying real estate taxes by classification or designation under the Code of Virginia. The IRS recognizes it as a 501(c) - tax-exempt organization.

Recommended Action:

Authorize the Blue Ridge Small Business Development Center, Inc., exemption from local real estate taxation pursuant to Article X, Section 6 (a) 6 of the Constitution of Virginia.

Respectfully submitted,

Darlene L. Burcham City Manager

DLB/vst

Attachments

c: Honorable Sherman A. Holland, Commissioner of Revenue Honorable David C. Anderson, City Treasurer Mary F. Parker, City Clerk William M. Hackworth, City Attorney Jesse A. Hall, Director of Finance Honorable Mayor and Members of Council June 16, 2003 Page 2

Willard N. Claytor, Director of Real Estate Valuation
Elizabeth A. Neu, Director of Economic Development
Barry L. Key, Director of Management and Budget
Ms. Lisa Ison, President, Blue Ridge Small Business
Development Center, Inc., 1354 Eighth Street, S.W.

CM03-00108

THE NEW CENTURY VENTURE CENTER

May 27, 2003

Ms Mary F. Parker, City Clerk City of Roanoke 215 Church Ave., SW, Room 456 Roanoke, VA 24011-1536

Dear Ms Parker:

This letter is in reference to a request for Real Estate Tax Exemption for the Blue Ridge Small Business Development Center, Inc., originally approved by Roanoke City Council on July 16, 2001, and slated to be reconsidered by City Council on June 16, 2003.

The approved Resolution No. 35481-071601 only addresses real estate, land and building, to be exempt from taxation. This letter is to clarify that we are currently seeking only exemption for Real Estate Tax and not exemption from Personal Property Tax as referenced in our original petition.

I apologize for any confusion, and please let me know if you need further information.

Sincerely,

Lisa C. Ison, President

enclosures

c: Vickie Tregubov, Department of Management and Budget Linda Bass, Department of Economic Development William Hackworth, City Attorney Dick Sayers, Legal Counsel

THE NEW CENTURY CLERK *03 MAR 03 PM03:23 VENTURE CENTER

February 26, 2003

Ms. Mary F. Parker, City Clerk City of Roanoke 215 Church Avenue, SW, Room 456 Roanoke, VA 24011-1536

RE: Petition for Tax Exemption of Real Property

Dear Ms. Parker:

In response to Vickie Tregubov's request on February 26, 2003, I offer the following:

- We are aware that one of the requirements for tax exemption of real property is that the applicant agrees to pay to the City an annual service charge in an amount equal to 20% of the real estate tax levy which would otherwise be owing. This letter is confirmation that we agree to pay this amount for as long as this exemption continues.
- 2. We are not located within a service district.
- We agree to provide information to the Director of Real Estate Valuation upon request to allow a triennial review of the tax exempt status.

If you need further information, please contact me at (540) 344-6402.

Sincerely,

Lisa C. Ison, President

c: Vickie S. Tregubov Linda Bass



CITY OF ROANOKE

Office of the City Clerk

Mary F. Parker, CMC City Clerk

Stephanie M. Moon Deputy City Clerk

Sheila N. Hartman Assistant City Clerk

February 24, 2003

Darlene L. Burcham City Manager Roanoke, Virginia William M. Hackworth City Attorney Roanoke, Virginia

Dear Ms. Burcham and Mr. Hackworth:

At a regular meeting of Council held on Monday, December 2, 2002, Resolution No. 36148-120202 was adopted with regard to a new policy and procedure with respect to requests of non-profit organizations to exempt certain property from taxation, pursuant to Article X, Section 6(a)(6), of the Constitution of Virginia, repealing Resolution No. 30884-021892, adopted February 18, 1992, as amended by Resolution No. 35645-111901 adopted November 19, 2001. The new policy was in effect on January 1, 2003.

I am attaching copy of a petition from the New Century Venture Center requesting exemption from taxation of real property located at 1354 Eighth Street, S. W., in the City of Roanoke, pursuant to Section 30-19.04(B), Code of Virginia (1950), as amended.

H:\New Century Council Petition.wpd

Darlene L. Burcham William M. Hackworth February 24, 2003 Page 2

Pursuant to Resolution No. 36148-120202, the petition must be forwarded to the City Manager by April 15 for evaluation and recommendation to City Council prior to July 1; and the City Attorney is required to prepare a resolution and/or an ordinance for adoption by Council.

Sincerely,

Stephanie M. Moon Deputy City Clerk

SMM:aa

Attachment

pc: The Honorable Mayor and Members of City Council

Lisa C. Ison, President, The New Century Venture Center, 1354 Eighth Street,

S. W., Roanoke, Virginia 24015

The Honorable Sherman A. Holland, Commissioner of the Revenue

Jesse A. Hall, Director of Finance

Willard N. Claytor, Director, Real Estate Valuation

THE NEW CENTURY VENTURE CENTER

February 19, 2003

Ms Mary F. Parker, City Clerk City of Roanoke 215 Church Ave., SW, Room 456 Roanoke, VA 24011-1536

Dear Ms Parker:

Enclosed is information pertaining to the Real Estate Tax Exemption for the Blue Ridge Small Business Development Center, Inc., originally approved by Roanoke City Council on July 16, 2001.

We are resubmitting our application as directed by the Commissioner of the Revenue in light of the new constitutional amendment that the General Assembly no longer has to approve property tax exemptions.

Please let me know if you need further information.

Sincerely,

Lisa C. Ison, President

enclosures

c: Linda Bass, Roanoke City Economic Development

VIRGINIA

IN THE COUNCIL OF THE CITY OF ROANOKE

RE: PETITION FOR A RESOLUTION SUPPORTING THE EXEMPTION FROM TAXATION OF CERTAIN PROPERTY PURSUANT TO ARTICLE X, SECTION 6 (a) (6) OF THE CONSTITUTION OF VIRGINIA

TO THE HONORABLE MAYOR AND MEMBERS OF COUNCIL OF THE CITY OF ROANOKE

- 1. Your Petitioner, Blue Ridge Small Business Development Center, Inc. (d.b.a.: The New Century Venture Center), a Virginia non-stock, not-for profit corporation, is the owner of certain real properties located at 1354 Eighth Street, SW, in the City of Roanoke, Virginia, which property is more particularly described on Exhibit A attached hereto.
- 2. Your Petitioner desires to be an organization designated by a section within Article 4, Chapter 36 of Title 58.1 of the Code of Virginia, 1950, as amended, in order that the referenced real property and the personal property housed on such real property and used exclusively for the development and growth of young and start-up companies, be exempt from taxation under the provisions of Article X, Section 6 (a) (6) of the Constitution of Virginia so long as your Petitioner is operated not for profit and the property so exempted is used in accordance with the purpose for which your Petitioner is classified.
- 3. Your Petitioner respectfully requests that the Council of the City of Roanoke adopt a resolution in accordance with the requirements of §30-19.04.B of the Code of Virginia, 1950, as amended, after holding a public hearing with respect thereto where citizens shall have an opportunity to be heard in order that legislation involving the designation of property to be exempted from taxation pursuant to Article X, Section 6 (a) (6) of the Constitution of Virginia may be presented to the General Assembly of Virginia.

In compliance with 30-19.04.B the following questions are submitted for consideration:

- 1. Whether the organization is exempt from taxation pursuant to 501 (c) of the Internal Revenue Code.
 - A. Your Petitioner is exempt from taxation pursuant to 501 (c) of the Internal Revenue Code. A copy of the exemption determination letter from the Internal Revenue Service is attached as Exhibit B.
- 2. Whether a current annual alcoholic beverage license for serving alcoholic beverages has been issued by the Alcohol Beverage Control Board to such organization for such use on the property.
 - A. No annual alcoholic beverage license has been or will be requested or issued for use on the referenced property.
- 3. Whether any director or officer of the organization has been paid compensation in excess of reasonable allowances for salaries or other compensation for personal services which such director or officer actually renders.
 - A. No officers or directors of your Petitioner are paid compensation in excess of reasonable allowances for salaries or other compensation for personal services actually

rendered. The President of the organization (who serves as Executive Director) and Administrative Assistant receive compensation. No other Officers or Board of Directors are compensated for services rendered to the organization.

- 4. Whether any part of the net earnings of such organization inures to the benefit of any individual and whether any significant portion of the services provided by such organization is generated by funds received by donations, contributions or local, state or federal grants. As used in this subsection donation shall include the providing of personal services or the contribution of in kind or other material services.
 - A. No part of the net earnings of your Petitioner inures to the benefit on any individual. Initial start-up funding for Your Petitioner was generated by State and Federal grants and donations of goods and services from local businesses. Your Petitioner currently provides services primarily through rental and program income. Based upon need, Your Petitioner may apply for special projects funding through local, state, federal, and private foundation grant opportunities.
- 5. Whether the organization provides services for the common good of the public.
 - A. Your Petitioner provides services for the common good of the public in as much as it provides the following services to young and start-up companies:
 - 1. Flexible office spaces with affordable lease rates
 - 2. Value added services such as shared receptionist, office equipment, conference room/training facilities, and AV equipment
 - 3. Business mentoring through volunteer business and community leaders
 - 4. Business resource library
 - 5. Internship opportunities for area high school and college students.
 - 6. BizPrep program for economically disadvantaged inner city residents
 - 7. Networking opportunities with other small businesses
- 6. Whether a substantial part of the activities of the organization involves carrying on propaganda, or otherwise attempting to influence legislation and whether the organization participates in, or intervenes in, any political campaign on behalf of any candidate for public office.
 - A. Your Petitioner is not involved in propaganda, influencing legislation or any political campaign on behalf of any candidate for public office.
- 7. No rule, regulation, policy or practice of the organization discriminates on the basis of religious conviction, race, color, sex or national origin.
 - A. No rule, regulation, policy or practice of your Petitioner discriminates on the basis or religious conviction, race, color, sex or national origin.
- 8. The revenue impact to the locality and its taxpayers of exempting the property.
 - A. No significant impact is anticipated as a result of the exemption.
- 9. Any other criteria, facts and circumstances which the governing body deems pertinent to the adoption of such resolution.

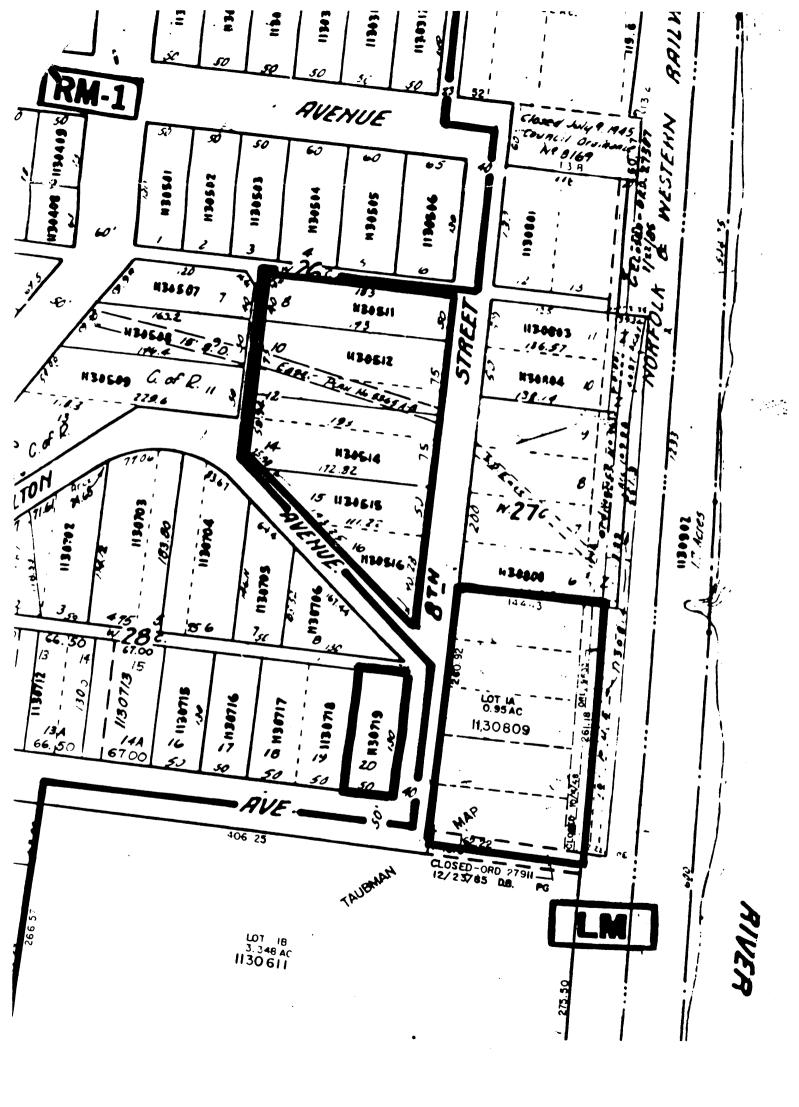
A. Your Petitioner is a locally organized business incubator which brings together fledgling businesses with the resources of the local community, its businesses and leaders, to alleviate some of the issues facing young and start-up companies in the critical early stages of development. Volunteer community members and leaders make up the board of directors and the tenant advisory teams. National statistics show that 80% of small businesses fail in the first five years; however, 87% graduates of incubators are still in operation after five years.

WHEREFORE, your Petitioner, the Blue Ridge Small Business Development Center, Inc., respectfully requests to the Council of the City of Roanoke (1) that a resolution be adopted pursuant to 30-19.04 of the Code of Virginia, 1950, as amended, stating the provisions of subsection B of that Code section has been examined and considered in conjunction with this petition seeking the designation of property to be exempted from taxation pursuant to Article X, Section 6 (a) (6) of the Constitution of Virginia at a public hearing at which citizens have had an opportunity to be heard and (2) that a recommendation be made to the General Assembly of Virginia that the real and personal property of your Petitioner be designated by a section within Article 4, Chapter 36 of Title 58.1 of the Code of Virginia, 1950, as amended, exempting the real and personal property of your Petitioner from taxation so long as your Petitioner is operated not for profit and the property so exempt is used for the particular purposes of providing programs to assist young and start-up businesses.

Respectfully Submitted,

BLUE RIDGE SMALL BUSINESS DEVELOPMENT CENTER, INC.

By: Jesi Cat



INTERNAL REVENUE SERVICE DISTRICT DIRECTOR 31 HOPKINS PLAZA BALTIMORE, MD 21201

Date: MAY 1 7 1936

THE BLUFRIDGE SMALL RUSINESS
DEVELOPMENT CENTER INC
212 S JEFFERSON ST SW
RUANOKE, VA 24011-1703

DEPARTMENT OF THE TREASURY

Employer Identification Number:
54-1576749
Case Number:
526120048
Contact Person:
EP/ED CUSTOMER SERVICE UNIT
Contact Telephone Number:
(410) 962-6058
Our Letter Dated:
June 6, 1991
Addendum Applies:
Yes

Dear Applicant:

This modifies our letter of the above date in which we stated that you would be treated as an organization that is not a private foundation until the expiration of your advance ruling period.

Your exempt status under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3) is still in effect. Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Code because you are an organization of the type described in section 509(a)(1) and 170(b)(1)(A)(vi).

Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(1) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act, or the substantial or material change on the part of the organization that resulted in your loss of such status, or if he or she acquired knowledge that the Internal Revenue Service had given notice that you would no longer be classified as a section 509(a)(1) organization.

If we have indicated in the heading of this letter that an addendum applies, the addendum enclosed is an integral part of this letter.

Because this letter could help resolve any questions about your private foundation status, please keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown above.

Sincerely yours,

District Director

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Co. Co. NCVC

Dept. Phone #

Fax # 345-0362

Letter 1050 (D0/CG)

-2-

THE BLUERIDGE SMALL BUSINESS

Guidelines under which private foundations may rely on this determination, for gifts, grants, and contributions made after March 13, 1989, were liberalized and published in Rev. Proc. 89-23, Cumulative Bulletin 1989-1, page 844.

You are required to make available for public inspection a copy of your exemption application, and supporting documents, and this exemption letter. If you are required to file an annual information return, you are also required to make a copy of the return available for public inspection for three years after the return is due. Failure to make these documents available for public inspection may subject you to a penalty of \$10 per day for each day there is a failure to comply (up to a maximum of \$5,000 in the case of an annual return). See Internal Revenue Service Notice 88-120, 1988-2 C.B. 454, for additional information.

This letter supersedes our letter dated April 29, 1996 reflecting a typographical error in the name.

Letter 1050 (DO/CG)



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE exempting from real estate taxation certain property of the Blue Ridge Small Business Development Center, Inc., located in the City of Roanoke, an organization devoted exclusively to charitable or benevolent purposes on a non-profit basis; providing for an effective date; and dispensing with the second reading by title of this ordinance.

WHEREAS, the Blue Ridge Small Business Development Center, Inc. d/b/a the New Century Venture Center (hereinafter "the Applicant"), has petitioned this Council to exempt certain property of the Applicant from taxation pursuant to Article X, Section 6(a)(6) of the Constitution of Virginia;

WHEREAS, a public hearing at which all citizens had an opportunity to be heard with respect to the Applicant's petition was held by Council on June 16, 2003;

WHEREAS, the provisions of subsection B of Section 58.1-3651, Code of Virginia (1950), as amended, have been examined and considered by the Council;

WHEREAS, the Applicant agrees that the property to be exempt from taxation is certain real estate, including the land and any building located thereon, identified by Roanoke City Tax Map Nos. 1130511, 1130512, 1130514, 1130515, 1130516, 1130719, 1130809, and 1130814, commonly known as 1354 Eighth Street, S.W. (the "Property"), and owned by the

Applicant, and providing that the Property shall be used by the Applicant exclusively for charitable or benevolent purposes on a non-profit basis; and

WHEREAS, in consideration of Council's adoption of this Ordinance, the Applicant has voluntarily agreed to pay each year a service charge in an amount equal to twenty percent (20%) of the City of Roanoke's real estate tax levy, which would be applicable to the Property were the Property not exempt from such taxation, for so long as the Property is exempted from such taxation.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

- 1. Council classifies and designates the Blue Ridge Small Business Development Center, Inc., as a charitable or benevolent organization within the context of Section 6(a)(6) of Article X of the Constitution of Virginia, and hereby exempts from real estate taxation certain real estate, including the land and any building located thereon, identified by Roanoke City Tax Map Nos. 1130511, 1130512, 1130514, 1130515, 1130516, 1130719, 1130809, and 1130814, commonly known as 1354 Eighth Street, S.W., and owned by the Applicant, which property is used exclusively for charitable or benevolent purposes on a non-profit basis; continuance of this exemption shall be contingent on the continued use of the property in accordance with the purposes which the Applicant has designated in this Ordinance.
- 2. In consideration of Council's adoption of this Ordinance, the Applicant agrees to pay to the City of Roanoke on or before October 5 of each year a service charge in an amount equal to twenty (20%) percent of the City of Roanoke's real estate tax levy which would be applicable to the Property, were the Property not exempt from such taxation, for so long as the Property is exempted from such taxation.

H:\MEASURES\0-BlueRidgeSmallBusiness(TaxExemption)61603.doc

This Ordinance shall be in full force and effect on July 1, 2003, if by such time 3. a copy, duly executed by an authorized officer of the Applicant, has been filed with the City Clerk. The City Clerk is directed to forward an attested copy of this Ordinance, after it 4. is properly executed by the Applicant, to the Commissioner of the Revenue and the City Treasurer for purposes of assessment and collection, respectively, of the service charge established by this Ordinance, and to Lisa Ison, President of the Blue Ridge Small Business Development Center, Inc. Pursuant to Section 12 of the City Charter, the second reading of this ordinance 5. by title is hereby dispensed with. ATTEST: City Clerk. ACCEPTED, AGREED TO AND EXECUTED by Blue Ridge Small Business

BLUE RIDGE SMALL BUSINESS DEVELOPMENT CENTER, INC.

By _____(SEAL)

Title

Development Center, Inc., this ____ day of _____, 2003.



CITY OF ROANOKE OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

June 16, 2003

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Beverly T. Fitzpatrick, Jr., Council Member Honorable Linda F. Wyatt, Council Member

Subject:

Tax Exemption Request - Presbyterian Community Center, Inc., and PCC Land Company, LLC

Dear Mayor Smith and Members of City Council:

Background:

The PCC Land Company, LLC owns the property known as Tax Map #s 4120520 and 4120524, both located at 1228 Jamison Avenue, SE, Roanoke. This property houses the Presbyterian Community Center, which is operated by the Presbyterian Community Center, Inc., a religious association conducted not for profit and the sole member of the PCC Land Company, LLC. The Center provides emergency economic assistance of food, utilities, rent, and prescriptions to low-income families, and educational programs to at-risk youth in Southeast Roanoke, Virginia. Annual taxes due for Fiscal Year 2003/2004 are \$3,333.54 on an assessed value of \$90,200 for the land and \$185,300 for the building. The Center also owns two motor vehicles (both vans), and requests that these be exempt from personal property taxation. The annual taxes due for these two vehicles are \$300.15 on an assessed value of \$8,770.

Honorable Mayor and Members of Council June 16, 2003 Page 2

Considerations:

On May 19, 2003, City Council approved a revised policy and procedure in connection with requests from non-profit organizations for tax exemption of certain property in the City by Resolution 36331-051903, adopting the revised Process for Determination of Property Tax Exemption dated May 19, 2003, with an effective date of January 1, 2003. The Presbyterian Community Center, Inc. and PCC Land Company, LLC have provided the necessary information required as a result of the adjustments made to our revised local policy prior to the deadline of June 1, 2003. The property located at 1228 Jamison Avenue, SE, Roanoke, is titled in the name of the PCC Land Company, LCC; however, the Presbyterian Community Center, Inc. acts as the holding company. Since the PCC Land Company, LLC, does not exist from an income tax standpoint, and the PCC Land Company, LLC is a single member LLC, in which the Presbyterian Community Center, Inc. is and will always be the only member, the tax exemption with respect to the property located at 1228 Jamison Avenue, SE. Roanoke, should be granted to both the Presbyterian Community Center, Inc. and the PCC Land Company, LLC. The Presbyterian Community Center, Inc. and the PCC Land Company, LLC do not seek tax exemption for a portion of Tax Map # 4120520, which is leased to other entities.

According to the Commissioner of the Revenue's Office, the loss of revenue to the City will be \$1,603.04 after a twenty percent service charge is levied by the City in lieu of real estate taxes. This service charge will be \$400.72. The Presbyterian Community Center, Inc. and the PCC Land Company, LLC will continue to pay taxes in the amount of \$1,329.78 on the portion of Tax Map #4120520 which is leased to other entities. The two vans for which personal property tax exemption is being requested are owned by the Center, as listed in Attachment B, and are currently designated exempt from taxation. Therefore, the City is currently foregoing \$300.15 in annual personal property taxes.

Commissioner of Revenue, Sherman Holland, has determined the organization is currently not exempt from paying real estate taxes by classification or designation under the Code of Virginia. The IRS recognizes it as a 501(c) 3 taxexempt organization.

Notification of a public hearing to be held June 16, 2003, was duly advertised in the Roanoke Times.

Honorable Mayor and Members of Council June 16, 2003 Page 2

Recommended Action:

Authorize the Presbyterian Community Center, Inc., and PCC Land Company, LLC exemption from real estate and personal property taxation pursuant to Article X, Section 6 (a) 6 of the Constitution of Virginia, effective July 1, 2003, if the organizations agree to pay the subject service charge by that date.

Respectfully submitted,

Darlene L. Burcham

City Manager

DLB/vst

Attachments

c: Honorable Sherman A. Holland, Commissioner of Revenue
Honorable David C. Anderson, City Treasurer
Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Willard N. Claytor, Director of Real Estate Valuation
Elizabeth A. Neu, Director of Economic Development
Barry L. Key, Director of Management and Budget
Ms. Patricia Dillard, Executive Director, Presbyterian
Community Center, Inc., 1228 Jamison Avenue, SE

CM03-00122

GENTRY LOCKE RAKES & MOORE

Attorneys at Law

540 • 983 • 9300

Facsimile 540-983-9400

A Limited Liability Partnership

BIN 0 2 2003

10 Franklin Road, S.E.

Post Office Box 40013

Roanoke, Virginia 24022-0013

www.gentrylocke.com

June 2, 2003

Direct Dial: (540) 983-9370 will_dibling@gentrylocke.com

Honorable Mayor and Members of City Council Roanoke, Virginia

Re: Petition for Tax Exemption of Presbyterian Community Center, Inc. and PCC

Land Company, LLC

Dear Mayor Smith and Council Members:

We represent Presbyterian Community Center, Inc. and PCC Land Company, LLC, and we are pleased to enclose a Petition for Tax Exemption on behalf of these two organizations that are dedicated to providing charitable assistance to low income families and at-risk youth in Southeast Roanoke. We believe that we have complied with the City's newly adopted policies and procedures with respect to tax exemptions. Should there, however, be any questions, please contact us.

Very truly yours,

GENTRY LOCKE RAKES & MOORE

Wilburn C. Dibling, Jr.

WCDjr/bd Enclosures

cc:

Darlene Burcham

William M. Hackworth

Patricia Dillard

VIRGINIA:

IN THE COUNCIL OF THE CITY OF ROANOKE

RE: PETITION FOR EXEMPTION FROM TAXATION OF CERTAIN PROPERTY PURSUANT TO ARTICLE X, SECTION 6(a)(6) OF THE CONSTITUTION OF VIRGINIA

TO THE HONORABLE MAYOR AND MEMBERS OF COUNCIL OF THE CITY OF ROANOKE:

- 1a. Your Petitioners, Presbyterian Community Center, Inc. and PCC Land Company, LLC, Virginia, non-stock, not for profit corporations own certain real property, located at (see Exhibit A attached), in the City of Roanoke, Virginia, which properties are City of Roanoke Tax Map ID #s 4120520 and 4120524, with a total assessed value of \$152,100 and \$115,100, respectively, and a total of \$1,840.40 and \$1,392.70, respectively, in real property taxes that were paid or would have been paid in the most recent year, desire to be organizations designated pursuant to the provisions of Sec. 58.1-3651, of the Code of Virginia, as amended, in order that the referenced real properties, to be used exclusively for charitable and benevolent purposes in providing emergency economic assistance of food, utilities, rent, and prescriptions to low-income families, and educational programs to at-risk youth in Southeast Roanoke, Virginia, be exempt from taxation under the provisions of Article X, Section 6(a)(6) of the Constitution of Virginia so long as your Petitioners are operated not for profit and the properties so exempted are used in accordance with the purpose for which the Petitioners are classified.
- 1b. Your Petitioner, Presbyterian Community Center, Inc., a Virginia non-stock, not for profit corporation owns certain personal property located at (see Exhibit B attached), in the City of Roanoke, Virginia, with a total assessed value of \$______ and a total of \$______ in personal property taxes that were paid or would have been paid in the most recent year, desires to be an organization designated pursuant to the provisions of Sec. 58.1-3651, of the Code of Virginia, as amended, in order that the referenced personal property, to be used exclusively for charitable and benevolent purposes in transporting youth to and from field trips only, all other personal property used exclusively to conduct business for the public good, be exempt from taxation under the provisions of Article X, Section 6(a)(6) of the Constitution of Virginia so long as your Petitioner is operated not for profit and the property so exempted is used in accordance with the purpose for which the Petitioner is classified.
- 2. Your Petitioner agrees to pay the City of Roanoke, an annual service charge in an amount equal to twenty percent (20%) of the City of Roanoke tax levy, which would be applicable to this real estate, were our organization to not be tax exempt, for as long as this exemption continues.

- 3. Your Petitioner, if located within a service district, agrees to pay the City of Roanoke an annual service charge equal to the additional service district tax that would be levied for as long as this exemption continues.
- 4. Your Petitioner agrees to provide information to the Director of Real Estate Valuation upon request to allow a triennial review of the tax exempt status of your Petitioner.

The following questions are submitted for consideration:

- 1. (Q): Whether the organization is exempt from taxation pursuant to Section 501(c) of the Internal Revenue Code of 1954.
 - (A): Your Petitioner was granted exemption from taxation pursuant to Section 501(c) of the Internal Revenue Code of 1954 on July 23, 1992.
- 2. (Q): Whether a current alcoholic beverage license for serving alcoholic beverages has been issued by the Alcoholic Beverage Control Board to such organization for use on such property.

(A): No.

- 3. (Q): Whether any director, officer or employee of the organization has been paid compensation in excess of a reasonable allowance for salaries or other compensation for personal services which such director, officer or employee actually renders.
 - (A): No. Pro-bono Directors.
- 4. (Q): Whether any part of the net earnings of such organization inures to the benefit of any individual, and whether any significant portion of the service provided by such organization is generated by funds received from donations, contributions or, local, state or federal grants. As used in this subsection, donations shall include the providing of personal services or the contribution of in-kind or other material services.
 - (A): No part of the net earnings of the organization inures to the benefit of any individual.

Total unrestricted receipts in 2002 - \$294,909;

Total restricted - \$91,548;

Total Fed. (CDBG) grants - \$50,000;

Contribution in kind of Food Value - \$112,825;

FEMA - \$10,023.

- 5. (Q): Whether the organization provides services for the common good of the public.
 - (A): Your Petitioner provides services for the common good of the public in as much as it provides emergency economic services of food, rent, utilities and prescriptions to low-income families in Southeast Roanoke, and after-school education programs for at-risk youth of Southeast Roanoke.

- 6. (Q): Whether a substantial part of the activities of the organization involves carrying on propaganda, or otherwise attempting to influence legislation and whether the organization participates in, or intervenes in, any political campaign on behalf of any candidate for public office.

 (A): No.
- 7. (Q): Whether any rule, regulation, policy or practice of the organization discriminates on the basis of religious conviction, race, color, sex or national origin.

(A): No.

- 8. (Q): Whether there is a significant revenue impact to the locality and its taxpayers of exempting the property.(A): No.
- 9. (Q): Any other criteria, facts and circumstances, which the governing body deems pertinent to the adoption of such ordinance.
 - (A): Value of educational programs for youth \$140,800; Financial assistance to 1,226 Roanoke City families valued at \$110,064; Food orders - 2,102 valued at \$94,941 - Roanoke City residents only.

Note: A copy of this Petition is being delivered this day to the City Manager of the City of Roanoke, Virginia.

THEREFORE, your Petitioner, Presbyterian Community Center, Inc., respectfully requests to the Council of the City of Roanoke that this real or personal property, or both, of your Petitioner be designated exempt from taxation so long as your Petitioner is operated not for profit and the property so exempt is used for the charitable purposes of providing emergency, economic assistance of food, utilities, rent, prescriptions to low-income families, and educational programs for at-risk youth in Southeast Roanoke.

Respectfully submitting this day of June, 2003.

President

EXHIBIT A

REAL ESTATE IDENTIFICATION ASSESSMENT AND TAXES PAID

STREET ADDRESS	TAX MAP NO.	ASSESSMENT FOR MOST RECENT <u>TAX YEAR</u>	TAXES PAID FOR MOST RECENT <u>TAX YEAR</u>
1228 Jamison Ave., S.E.	4120520	\$ 152,100	\$ 1,840.40
1228 Jamison Ave., S.E.	4120524	115,100	1,392.70

Petitioners do not seek tax exemption for a portion of Tax Map. No. 4120520 which is leased to other entities.

EXHIBIT B

PERSONAL PROPERTY PRESBYTERIAN COMMUNITY CENTER 5/28/2003

1997 Plymouth 7 passenger van ID# 1P4GP44R5VB428910

1986 Dodge RAM 15 passenger van ID# 2B5WB31WOGK574592

The organization has purchased decals for the two vans, but has not been assessed personal property taxes.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE exempting from real estate and personal property taxation certain property of the Presbyterian Community Center, Inc., and PCC Land Company, L.L.C., located in the City of Roanoke, organizations devoted exclusively to charitable or benevolent purposes on a non-profit basis; providing for an effective date; and dispensing with the second reading by title of this ordinance.

WHEREAS, the Presbyterian Community Center, Inc., and PCC Land Company, L.L.C., (hereinafter collectively "the Applicant"), has petitioned this Council to exempt certain real and personal property of the Applicant from taxation pursuant to Article X, Section 6(a)(6) of the Constitution of Virginia;

WHEREAS, a public hearing at which all citizens had an opportunity to be heard with respect to the Applicant's petition was held by Council on June 16, 2003;

WHEREAS, the provisions of subsection B of Section 58.1-3651, Code of Virginia (1950), as amended, have been examined and considered by the Council;

WHEREAS, the Applicant agrees that the real property to be exempt from taxation is certain real estate, including the land and any building located thereon, identified by Roanoke City Tax Map Nos. 4120520 and 4120524, less any portions of which are leased to other entities, commonly known as 1228 Jamison Avenue, S.E., (the "Property"), and owned by the Applicant, and providing that the Property shall be used by the Applicant exclusively for charitable or benevolent purposes on a non-profit basis;

WHEREAS, in consideration of Council's adoption of this Ordinance, the Applicant has voluntarily agreed to pay each year a service charge in an amount equal to twenty percent (20%) of the City of Roanoke's real estate tax levy, which would be applicable to the Property were the Property not exempt from such taxation, for so long as the Property is exempted from such taxation; and

WHEREAS, the Applicant owns two motor vehicles, upon which no personal property taxes have been assessed.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

- 1. Council classifies and designates Presbyterian Community Center, Inc., and PCC Land Company, L.L.C., as a charitable or benevolent organization within the context of Section 6(a)(6) of Article X of the Constitution of Virginia, and hereby exempts from real estate taxation certain real estate, including the land and any building located thereon, identified by Roanoke City Tax Map Nos. 4120520 and 412524, less any portions of which are leased to other entities, commonly known as 1228 Jamison Avenue, S.E., and owned by the Applicant, which property is used exclusively for charitable or benevolent purposes on a non-profit basis; continuance of this exemption shall be contingent on the continued use of the property in accordance with the purposes which the Applicant has designated in this Ordinance.
- 2. In consideration of Council's adoption of this Ordinance, the Applicant agrees to pay to the City of Roanoke on or before October 5 of each year a service charge in an amount equal to twenty (20%) percent of the City of Roanoke's real estate tax levy which

would be applicable to the Property, were the Property not exempt from such taxation, for so long as the Property is exempted from such taxation.

- 3. The personal property of the Applicant is hereby exempted from personal property taxation by the City.
- 4. This Ordinance shall be in full force and effect on July 1, 2003, if by such time a copy, duly executed by an authorized officer of the Applicant, has been filed with the City Clerk.
- 5. The City Clerk is directed to forward an attested copy of this Ordinance, after it is properly executed by the Applicant, to the Commissioner of the Revenue and the City Treasurer for purposes of assessment and collection, respectively, of the service charge established by this Ordinance, and to Patricia Dillard, President of the Presbyterian Community Center, Inc., and the authorized agent of the PCC Land Company, L.L.C.
- 6. Pursuant to Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

	City Cl	City Clerk.	
ACCEPTE	D, AGREED TO AND EXECUTED by Presbyte	rian Community Center,	
Inc., this day	of, 2003.		
	PRESBYTERIAN COMN	MUNITY CENTER, INC.	
	Ву	(SEAL)	
	Preside		

day of	, 2003.	ny, L.L.C., this
	PCC LAND COMPANY, L.L.C.	
	By	(SEAL)



Architectural Review Board Board of Zoning Appeals Planning Commission

CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166 Roanoke, Virginia 24011 Telephone: (540) 853-1730 Fax: (540) 853-1230 E-mail: planning@ci.roanoke.va.us

June 16, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject:

Amendment of Vision 2001-2020 to include the Hurt Park/Mountain

View/West End Neighborhood Plan

Pianning Commission Action:

Planning Commission public hearing was held on Thursday, May 15, 2003. By a vote of 5-0 (Mr. Chrisman absent), the Commission recommended adoption of the Hurt Park/Mountain View/West End Neighborhood Plan as a component of **Vision 2001-2020**, the City's comprehensive plan.

Background:

The subject neighborhood plan comprises three neighborhoods west of downtown - Hurt Park, Mountain View and West End. Hurt Park is one of the City's designated conservation districts, and has been selected by City Council as one of six potential revitalization areas for the allocation of Community Development Block Grant (CDBG) funds. Hurt Park and Mountain View both contain areas that are in the City's H-2, Neighborhood Preservation District. These three neighborhoods were once primarily residential, but now have industrial and commercial development on their edges.

Collectively, these neighborhoods are bounded by the Norfolk Southern Railroad tracks to the north and northwest, the Roanoke River to the south and southwest, between Campbell and Luck Avenues to the southeast, and 5th Street to the east.

Several public workshops were held with the neighborhood by Planning Building

and Development staff and the Police Department in late 2002 and the spring of 2003. Various other City staff attended these meetings and staff worked closely with the Hurt Park Neighborhood Alliance throughout the process.

Staff presented the future land use map for the plan in detail. Mr. Williams questioned the "commercial transition area" category, which was proposed in an area adjacent to 10th Street, to which staff explained that this was an industrial area that would be better suited for commercial uses. Mr. Williams then asked staff why the area should not just be labeled 'commercial.' Staff replied that the purpose of the future land use map is to provide a reference point for future zoning and land use decisions, rather than assign a zoning designation to each area.

Considerations:

In the planning process, residents and staff identified the following major issues facing the neighborhood:

- The lack of buffering between residential and industrial sites.
- Incompatible infill housing.
- A lack of young homeowners.
- Recurring property maintenance code violations.
- Lack of quality commercial development.
- Streets that are not designed in a manner conducive to neighborhood/community development.

To address these issues, the plan features five priority recommendations:

Zoning:

- Amend the zoning ordinance to ensure that new residential development is compatible with existing structures in terms of setbacks and lot coverage and to maximize the development potential of vacant properties and structures.
- Limit the conversion of single-family homes.

Housing:

- Establish this plan as a framework for more specific revitalization plans, to be
 considered in future allocations of Community Development Block Grant (CDBG)
 and HOPE VI funds. Particular emphasis should be placed on infill development,
 the rehabilitation of substandard structures, historic tax credit opportunities and
 adherence to the guidelines of the H-2 Historic District, and initiatives to increase
 homeownership.
- Insure that new grant funded housing development adheres to the design guidelines of Vision 2001-2020.

Economic Development:

- Apply for the reinstatement of State Enterprise Zone One in 2004.
- Consider allocating CDBG and HOPE VI funds for small business development or revitalization.

Code Enforcement:

 Continue to target the neighborhood for all code violations and maintain the rental inspection program on designated properties.

Infrastructure:

- Improve streetscapes, specifically as outlined below:
 - 1) Establish traffic calming measures as the standard for all street improvements, and discourage further widening of all streets.
 - 2) Restore access of 10th Street at Norfolk and Rorer Avenues.
 - 3) Incorporate alternative transportation corridors for pedestrian and bicycle usage.
 - 4) Provide infill and repair of sidewalks and curb and gutter where needed, and improve areas with storm water management problems.
 - 5) Improve the appearance and functionality of gateways at the intersection of Campbell and Patterson Avenues, the northern end of 10th Street, 13th Street at the Memorial Bridge, and the intersection of Boulevard and Patterson Avenues.
 - 6) Place a welcome sign for the H-2 Historic District on Patterson Avenue and denote the historic district atop street signs where applicable.
- Consider allocating future CDBG funds for streetscape improvements.

The five priority recommendations address the most prominent issues in the neighborhood, but are not comprehensive. The plan contains a number of other action items. Vision 2001-2020, the City's comprehensive plan, provided the framework for the plan. The policies and actions of the plan are consistent with those in **Vision 2001-2020**.

Recommendation:

By a vote of 5-0, the Planning Commission recommended adoption of the Hurt Park/Mountain View/West End Neighborhood Plan as a component of **Vision 2001-2020**, the City's comprehensive plan.

Respectfully submitted,

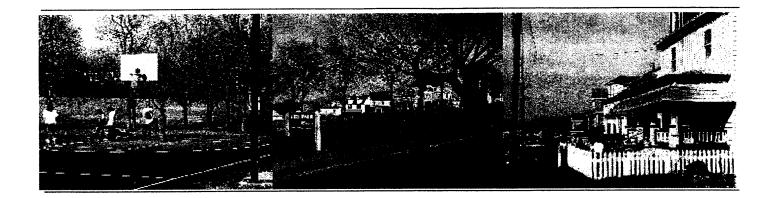
Robert B. Manetta, Chairman

Roanoke City Planning Commission

attachment

cc:

Darlene L. Burcham, City Manager
Rolanda Russell, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney



Hurt Park/Mountain View/West End

DRAFTNEIGHBORHOOD PLAN

ROANOKE VIRGINIA

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May 15, 2003

Planning Building & Development

Introduction

The neighborhoods of Hurt Park, Mountain View and West End are contiguous to one another and blend together seamlessly, yet each is distinct and maintains its own sense of identity. While the City's overall growth and development impacts each of these neighborhoods, at the same time each evolves in its own manner and timeframe.

This area is part of the early urban fabric of the City. Collectively, the neighborhood is bound by the Norfolk Southern railroad tracks to the north and northwest, the Roanoke River to the south and southwest, between Campbell and Luck Avenues to the southeast, and 5th Street to the east. Hurt Park, Mountain View and West End feature traditional urban housing, a public housing complex, and corridors of commercial and industrial development. Owing to the history of development along rivers and railroad corridors, much of its residential core is bound by industrial development.

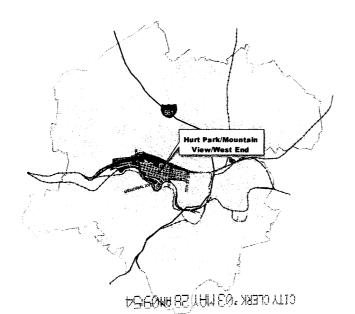
Particularly in Hurt Park and West End, the original housing developments were large, mansion-like homes built for railroad executives around the turn of the 20th Century. Most of the houses in Mountain View date to the early 20th Century as well. The history of the area and its traditional urban character make it ideal for revitalization and improved linkage to downtown and the neighborhoods surrounding it.

This neighborhood plan is a component of Vision 2001-2020, the City's 20-

year comprehensive plan. *Vision 2001-2020* recommends the creation of neighborhood plans to provide a more detailed study of neighborhoods and better guidance in decisions affecting them.

Planning staff studied current neighborhood conditions, with particular emphasis on land use patterns, housing, and infrastructure needs. Residents were involved through tours and a series of workshops. Major issues identified through the process include attracting more homeowners, improving the area's appearance, infrastructure improvements, and zoning changes that would encourage the development of vacant lots and rehabilitation of substandard structures.

The plan makes recommendations for neighborhood improvement and development. Most recommendations are for action over a 5-year period. However, some recommendations are longer term.



High priority initiatives

The plan proposes six priority initiatives:

Zoning:

- Amend the zoning ordinance to ensure that new residential development is compatible with existing structures in terms of setbacks and lot coverage, and to maximize the development potential of vacant properties and structures.
- Limit the conversion of single-family homes by special exception permit.

Housing:

- Establish this plan as a framework for more specific revitalization plans, to be considered in future allocations of Community Development Block Grant (CDBG) and HOPE VI funds. Particular emphasis should be placed on infill development, the rehabilitation of substandard structures, historic tax credit opportunities and adherence to the guidelines of the H-2 Historic District, and initiatives to increase homeownership.
- Insure that new grant funded housing development adheres to the design guidelines of Vision 2001-2020.

Economic Development:

- Apply for the reinstatement of State Enterprise Zone One in 2004.
- Consider allocating CDBG and HOPE VI funds for small business development or revitalization.

Code Enforcement:

 Continue to target the neighborhood for all code violations and maintain the rental inspection program on designated properties.

Infrastructure:

- Improve streetscapes specifically as outlined below:
 - 1) Establish traffic calming measures as the standard for all street improve ments, and discourage further widening of all streets.
 - 2) Restore access of 10th Street at Norfolk and Rorer Avenues.
 - 3) Incorporate alternative transportation corridors for pedestrian and bicycle usage.
 - 4) Provide infill and repair of sidewalks and curb and gutter where needed, and improve areas with storm water management problems.
 - 5) Improve the appearance and functionality of gateways at the intersection of Campbell and Patterson Avenues, the northern end of 10th Street, 13th Street at the Memorial Bridge, and the intersection of Boulevard and Patterson Avenues.
 - 6) Place a welcome sign for the H-2 Historic District on Patterson Avenue and denote the historic district atop street signs where applicable.
- Consider allocating future CDBG funds for streetscape improvements.

Plan Elements

The plan addresses the following elements:

- Community Design
- Residential Development
- Economic Development
- Infrastructure
- Public Services
- Quality of Life

The Community Design element looks at physical design features and land use patterns. Residential Development addresses existing and new housing opportunities. Economic Development deals with commercial and industrial development in the neighborhood. The Infrastructure plan element evaluates transportation systems and utility systems such as water, sewer, and storm drainage. The Public Services element assesses Fire/EMS, police and other city services. Finally, the Quality of Life element addresses recreational opportunities, environmental issues, education, and community development. Each plan element contains information about current conditions and issues.

The Neighborhoods

Population

The population of Hurt Park, Mountain View, and West End has remained steady with only a slight increase since the 1990 Census. The area experienced substantial increases in the number of younger and middle age populations, while the number of younger adults and the elderly decreased. Collectively, this area is one of the most racially diverse areas in the City. African-Americans are now the largest racial group making up 52% of the population, while whites account for 41% of the population. The number of Asians, Latinos, and other races doubled since the last census and now comprise 3.5% of the population. The 2000 Census now includes many new categories that account for people of two or more races. A total of 3.1% of the population fit into this category.

De mographic Tre nds			
Year	1990	2000	% Change
Population	2785	2805	1%
Households	1063	1051	-1%
Black	1282	1457	14%
White	1475	1145	-22%
Other (one race alone)	48	99	106%
Two races	n/a	84	π/a
Two or more races	n/a	2	n/a
D-17	769	863	12%
18-34	828	678	-18%
35-64	885	1212	37%
55+	323	256	-21%

Education

This area has a disproportionate amount of the City's low-income residents. In addition, the education level of adults above the age of 25 is substantially lower than that of the average City resident of similar age.

	Hurt Par, Mt. V	City of Roanok	
	# of Residents	Percentage	Percentage
Less than High School	691	42%	24%
High School	601	37%	30%
Some College	239	14.5%	27%
Bachelors Degree	85	5%	12%
Graduate or Professional	25	1.5%	7%
Total	1641	100%	100%

Income

The concentration of low-income households in this area is very high. It has almost double the percentage of households with incomes below \$20,000 in comparison to the citywide average. This gap disappears in the percentage of moderate-income households between \$20,000 - \$34,999, then reappears in the higher income brackets. One explanation of this trend might be a high percentage of households with one income in the area.

Household Income 1999			
	Hurt Park, Mt. View, West End		City of Roanoke
	# of Households	Percentage	Percentage
\$0 - \$19,999	602	57%	32%
\$20,000 - \$34,999	252	24%	25%
\$35,000 - \$49,999	91	9%	17%
\$50,000 - \$99,999	100	9%	21%
\$100,000 +	11	1%	5%
TOTAL	1,056	100%	100%

Neighborhood Organizations

The Hurt Park Neighborhood Alliance is a member of the Roanoke Neighborhood Partnership. The Mountain View Neighborhood Alliance has not been in operation for several years, but the Mountain View Neighborhood Watch has been active since 1998.

The Hurt Park Housing Development has a resident council that serves as a liaison to RRHA staff. The Council is made up of a group of residents elected by the residents of Hurt Park.

Community Design

Physical Layout

Hurt Park, Mountain View and West End lie in the urban core of the City, immediately west of downtown. This area has for the most part a traditional neighborhood design pattern, yet has changed on its peripheries over the years to accommodate industrial and multi-family residential development. One of the major challenges for the neighborhoods will be maintaining an attractive, healthy and viable residential community that adjoins industrial and auto oriented commercial development.

The predominant housing style in the area is the American foursquare. Most of the homes in the area were constructed with exteriors of brick or wood. The core of this area, between Campbell and Salem Avenues, is arranged in a grid street system with most of the older homes close to the property line (15-25') and to each other (10-15'). Houses tend to be of similar scale, massing and architecture, and most have front porches. Alleys provide access to parking and rear yards and garages. A number of properties have retaining walls that border the sidewalk.

Within the traditional development pattern of the Hurt Park neighborhood is the H-2 Historic District along both sides of Patterson Avenue from the middle of the 1300 block to 19th Street. Most of the houses on this street are large, mansion like structures that were originally built for Norfolk and Western executives early in the 20th Century. On the northern side of the street, some of them still feature stone retaining walls with steps and walkways from the sidewalk. The lots on Patterson Avenue are larger than in the rest of the area.

The Hurt Park Housing Development is the only major apartment complex in the area. It is comprised of 13 buildings spanning three City blocks. Enclosed courtyards and sidewalks connect all the units. The park and school adjacent to the development provide green space that is frequently used by children.

Commercial establishments in the area are well integrated with the neighborhood. Most of the commercial structures are of a similar age to the housing and some are in poor condition. Several commercial structures are architecturally compatible with the homes in the area, but there are also several convenience stores in small, one-story buildings with parking lots in front. The corner of 13th Street and Patterson Avenue features a mini strip-shopping mall that has a convenience store and take-out seafood restaurant.

The industrial uses along the southern edge of the Mountain View neighborhood are naturally buffered from adjoining residencies by terrain and vegetation. This area is well contained and features heavy manufacturing uses that span several parcels. The northeastern portion of the area has a stretch of industrial uses that extend west from downtown. Establishments vary in size; some of them

are small and fit into an urban development pattern, while others are situated across entire blocks. The industrial development at the western end of the area fits into the character of Shafer's Crossing, but lacks a transition between it and the residential core.

Most of the interior residential streets are narrow with two lanes. Exceptions to this are Patterson Avenue from 13th Street west, Salem Avenue west of 16th Street, and 10th Street north of Campbell, which are the only four-lane streets in the area. On-street parking is available on all of the streets. Trees line most of the east to west streets in the residential areas. Streets in the Mountain View neighborhood have large tree canopies that shade the pavement.

Sidewalks are uniform throughout most of the neighborhood. However, residents expressed dissatisfaction with some areas that lacked sidewalks or needed maintenance to the existing network. An attractive feature found in much of the area is the brick sidewalks, including a stretch of Roanoke's 'starbrick' along Campbell Avenue in the West End neighborhood.

While people moved from traditional neighborhoods to outlying suburbs during the last half of the 20th Century, many people are now seeking out these older neighborhoods for their sense of community, physical attractiveness, and convenience. As more people begin to reject long commutes, over reliance on the automobile, and the lack of community that go along with conventional suburban development, neighborhoods such as Hurt Park, Mountain View and West End are ripe for revitalization. *Vision 2001-2020* promotes the development of "neighborhoods as villages," with a compact urban form accompanied by village center commercial uses that encourage pedestrian activity and a sense of community. Promoting the characteristics of traditional neighborhood design that exist in Hurt Park, Mountain View and West End is key to the revitalization of neighborhoods throughout the City.

Land Use Patterns

There are currently 1,446 parcels in Hurt Park, Mountain View and West End. There is a wide array of uses in the area and the zoning reflects such with nine different classifications.

Industrial zoning and uses are found on the northeastern, and northwestern to southwestern edges of the area. Residential zoning and uses lie in the center of the area. There are two commercial nodes; an office district on the southeastern edge of the area along Campbell Avenue, and a small commercial corridor along 13th Street.

The zoning and land use of Hurt Park, Mountain View, and West End can be summarized in five different areas:

- Industrial corridors: Industrial development borders much of the area, with dense concentrations in the northeast, west and southwest corners.
- Traditional residential development: Through the middle of the neighborhood, there is a solid core of traditional residential development, some of which have been maintained as single family and others which have been converted to multi-family. The primary residential corridor extends from 10th Street in the east to 21st Street in the west and from Salem Avenue in the north to Campbell Avenue to the south.
- Hurt Park, Hurt Park Housing Development, and Hurt Park Elementary
 School: This concentration of public land lies along Salem Avenue from 15th
 to 18th Street, and is the heart of the Hurt Park neighborhood. This area has
 more pedestrian and outdoor activity than the rest of the neighborhood.
- 13th Street Village Center: Along 13th Street from Cleveland to Patterson Avenue, and on Patterson Avenue, from 11th Street to 14th Street there is a concentration of neighborhood-oriented commercial development. In addition, there are several 'pocket' or 'corner' commercial establishments scattered throughout the traditional residential core.
- Office District: Along the Southside of Campbell Avenue from 5th to 10th Street. The uses in this area are primarily non-profit institutions.

Many of the commercial and industrial buildings were constructed during the 1940's and 1950's. Today, the neighborhood supports a mix of residential, commercial, and industrial uses.

West End is the least residential of the three neighborhoods. Commercial and

industrial properties are its predominant land use, while most of the housing is found in a small section in the southwest portion of the neighborhood along Patterson, and Campbell Avenues. The majority of the land is zoned LM, Light Manufacturing.

Hurt Park and Mountain View are similar in their land use and zoning patterns. Industrial development lies on the northern and southern extremities, with a mix of single and multi-family residential and neighborhood commercial development in the core.

As is the case with many neighborhoods in the City, there is a considerable amount of land classified as vacant in Hurt Park, Mountain View, and West End. Most of the vacant parcels are in the LM industrial corridor in the northeast corner of the area, yet there are also several vacant parcels in residential areas with infill potential. These parcels may have development potential since many are only being used for parking and outdoor storage.

All of the LM districts in the area abut RM-2 districts. Although the current zoning ordinance requires that LM uses abutting residential areas have additional screening and/or landscaping, many uses are grandfathered and exempt from those requirements. Creating a better transition between industrial and residential uses should be addressed in future zoning decisions in the area.

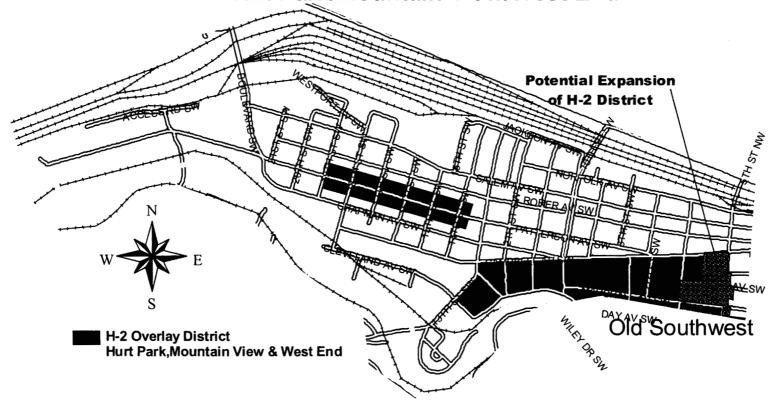
Neighborhood Preservation District

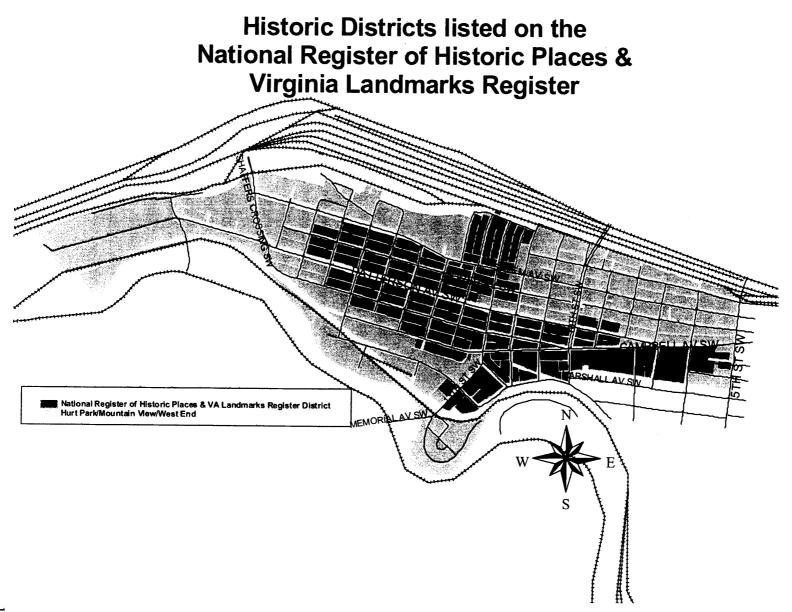
In 1987, the H-2, Neighborhood Preservation District was adopted by City Council. The district spans over most of Old Southwest and parts of the Mountain View and Hurt Park neighborhoods (see map on page 11). Expansion of the H-2 District to the east and north of the current line to 5th Street (see the map on page 9) to include the blocks around the Jefferson Center and former Cotton Mill in West End is suggested in the Old Southwest Neighborhood Plan. The homes in the district are of a variety of architectural styles, including Queen Anne, Colonial Revival, Neoclassical, Bungalow, American Foursquare, Arts and Crafts and Shingle.

Architectural design guidelines endorsed by City Council and adopted by the Architectural Review Board (ARB) were established for the H-2 District to assist property owners in maintaining the historic character of their homes. While the establishment of the H-2 District has helped preserve some of the historic homes in Hurt Park and Mountain View, the vast majority of ARB applications are for properties in Old Southwest. This indicates that rehabilitation of structures in Hurt Park and Mountain View are much fewer, and possibly that work being done in the area is not in compliance with the H-2 guidelines.

Overall, for a variety of reasons, there is a lack of involvement from H-2 property owners in the area with regards to the function of the district. As a result

The H-2 Neighborhood Preservation District in Hurt Park/Mountain View/West End





there has been very little progress made towards revitalizing the area.

In addition to the H-2 District, many properties in the area are listed on the National Register of Historic Places and the Virginia Landmarks Register. Both of these designations offer tax incentives for the rehabilitation of structures. Increased awareness of these incentives needs to be achieved through marketing to propety owners and potential developers who could benefit from them.

Future Land Use

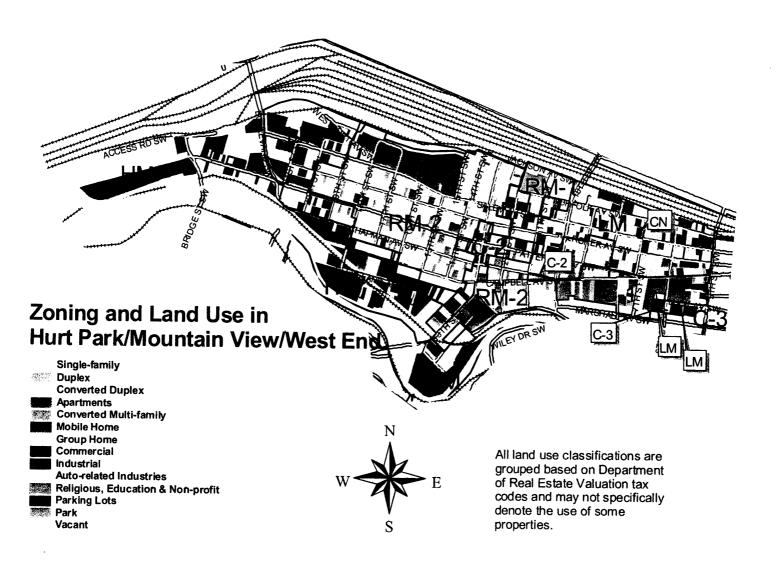
The futue land use map will be used to guide zoning and land use decisions in the area. Due to the prominence of industry in the area, much of the industrial zoning will remain intact. However, there are several areas where transitions between industrial and residential or commercial uses need to be established, which are reflected on the map.

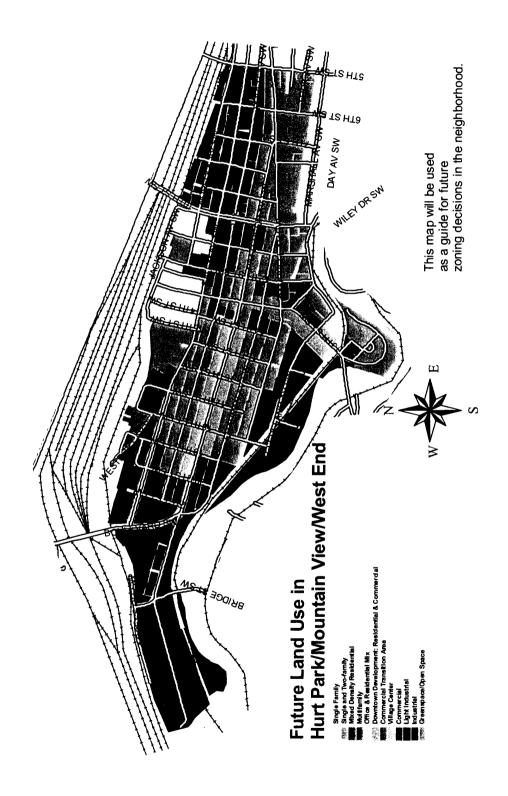
Three transitional areas on the future land use map will be key to the future zoning of the neighborhood. These areas are:

- Campbell and Patterson Avenues between 5th and 10th Streets the
 southern side of Campbell is an office district that reduces in density west of
 downtown. Much of the northern side of Campbell and Patterosn Avenues
 are currently zoned LM and should be rezoned to conform to the development
 pattern of the south side and provide a transition from downtown.
- Chapman and Campbell Avenues between 15th and 20th Streets the future land use map moves the residential district south to provide a buffer between housing and the industrial district.
- Salem Avenue between 10th and 13th Streets this area is currently zoned LM, but is in between commercial and residential disctricts. To make it more compatible with the neighborhood, this area should incorporate more commercial and less industrial use.

Some of the residential areas need to be protected as much as possible from further conversions of single-family homes to multifamily. Thus, some areas are recommended for single-family zoning.

The portion of Patterson Avenue in the H-2 District is proposed for a mix of office and residential uses. Currently the base zoning of this area is RM-2. By allowing offices in addition to residential uses, the market will be open to a greater range of opportunities. Offices usually produce a greater rate of return than residential properties, and they are not intrusive upon the residential character of an area.





Residential Development

Some housing in the area has deteriorated and building code enforcement inspectors routinely work in the area in response to substandard conditions and poor maintenance. Virtually all of the area is within the designated Hurt Park Conservation District.

Most of the residential dwellings in this area were built as single-family units between 1884 and 1924. Although housing construction thereafter has been sparse, since 1991 two multi-family buildings and 57 single-family units have been built. While, the most common housing style is the two-story foursquare, there are a variety of architectural styles in the area, particularly in the H-2 District along Patterson Avenue.

While the older housing stock lends a sense of character and history to the neighborhood, it also requires greater care and maintenance with time. Declining maintenance and a lower rate of owner occupancy has contributed to a significant amount of blight and deterioration. This area has an above average number of both vacant lots and vacant housing units compared with overall city averages.

The area is primarily a renter-dominated market. There are over twice as many rental units as owner-occupied. However, in recent years the number of owner-occupied homes has remained relatively constant. Between the 1990 and 2000 Census, owner-occupied homes decreased from 36% to 32% of the total number of occupied dwellings (See Table 4 below).

The decline in the rate of owner occupancy combined with a slight decline in the number of single-family housing units shows that the trend toward more rental and multi-family properties continues. The decrease in overall owner occupancy is in large part due to the increase of multifamily units, which are by design usually rental units.

A major factor in the residential makeup of the area has been the conversion of single-family homes into multi-family structures. With the exception of the Hurt Park housing development and a few other small apartment buildings, the vast majority of the multi-family housing structures are from conversions of large single family dwellings rather than from new construction. The same holds true for duplexes in the area. Particularly in the neighborhood's core residential streets - Salem, Rorer, Patterson, and Chapman Avenues - there are few blocks that are comprised primarily of single-family housing, although the area originally was developed with single-family homes. Only 32% of the properties within the H-2 District are single-family units.

The newest substantial addition to the residential mix is Hubbell-Wyatt Commons, developed by Habitat for Humanity. The commons is a development of owner-occupied single-family detached houses between the 1000 block of

Norfolk and Jackson Avenues. There are also five Habitat for Humanity single-family homes on the 1200 block of Cleveland Avenue.

Some residents voiced concern with the appearance and quality of the development, noting that the one-story homes are architecturally incompatible with the traditional homes of the neighborhood. This sentiment was shared with regards to other infill housing development, in addition to concerns about the general upkeep of property.

Attracting New Homeowners

While the rate of owner-occupancy for single-family homes is fairly stable, the issue most frequently cited by residents throughout the planning process was the overall condition and appearance of the neighborhood. Residents stated that the appearance of the neighborhood could be improved if new homeowners moved in, and they voiced support for the creation and marketing of housing programs and/or strategies aimed to increase homeownership. Increased homeownership brings residual benefits, such as better maintenance of properties, improved aesthetics, economic stability and reduced crime.

Despite concerns about new housing design, residents voiced support for the construction of single-family homes in the neighborhood by organizations like Blue Ridge Housing and Habitat for Humanity, and also stated that the City should support such organizations.

Design of Infill Housing

Another recurring theme related to the appearance and character of the neighborhood is the concern of residents that new infill housing is often out of scale and character with the surrounding homes. Residents expressed concerns with the general character and quality of new development. The most frequently cited concerns pertained to inconsistent setback patterns (new housing being constructed further back from the street than the existing houses) and single-story houses being constructed on streets with mainly two-story homes.

The compatibility of new or converted multifamily dwellings in primarily single-family neighborhoods is also a citywide issue. Such dwellings should reflect the character of the existing neighborhood. Conversions of single-family structures to two-family dwellings should maintain the appearance of a single-family dwelling, especially avoiding changes to the front of the structure.

Residents voiced support for the implementation of the Neighborhood Design District (NDD) to protect the architectural integrity of the neighborhood. The NDD is a zoning overlay that regulates the appearance of new infill housing. The NDD should be established in the area in accord with the boundaries of the designated Hurt Park Conservation District.

Diversity of Housing

A mixture of income levels helps create healthy, vibrant, and stable neighborhoods. Mixed incomes can be fostered by making a variety of housing options available, i.e. a mix of single and multi-family units. The area does have a variety of single-family, duplex and multi-family units, however continued conversion of former single-family homes into apartments may threaten this balance and the stability of the neighborhood.

As single-family housing is more likely to be owner-occupied, maintaining a stable core of single-family units is essential to the long-term health of the area. Only 417 (32%) of the 1,291 housing units in Hurt Park, Mountain View and West End are single-family homes.

The permitted residential density of Hurt Park, Mountain View and West End needs to be examined further in the update of the City's zoning map, based on the neighborhood's future land use map.

Housing Maintenance

In the early 1990s the City launched NSEP- tion (Neighborhood Stabilization & Enhancement Program) in the 800 - 1300 blocks of Campbell Avenue. It combined state and federal funds to provide low interest loans to property owners who rehabilitated substandard structures. Though the program was discontinued due to budget cuts, it resulted in noticeable improvements to several houses. Hurt Park is one of six neighborhoods now eligible for targeting of Community Development Block Grant Funds (CDBG).

Housing issues were the most frequently cited problems of residents, particularly the upkeep of property and the quality of landlords and tenants in rental properties. Many homes have fallen into disrepair or have become vacant. The City's building code enforcement inspectors have been very active in the area over the last decade. A total of 118 buildings were either condemned or razed between July 1992 and July 2001.

While recently the department began cross-training inspectors to cite all code violations on site - overgrown grass and weeds, inoperable vehicles and zoning violations - the core of the department's initiative in the area is still building maintenance. Inspectors administer the Rental Inspection Program (RIP), which ensures that rental housing units in the City's designated conservation and rehabilitation districts are maintained up to code standards.

Many substandard buildings have either been razed or boarded up in the area. Despite persistent code enforcement efforts, there continues to be problems with many properties. Many of the property maintenance issues that residents raised pertained to zoning violations, e.g. outdoor storage, and grandfathered uses they deemed offensive. Many of these problems will not be easily alleviated. However, in the future, having cross-trained inspectors in the area and continuing the RIP will have a positive impact.

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Economic Development

All three neighborhoods have a considerable amount of industrial and commercial development. A majority of the parcels in the area are included in the state-designated Enterprise Zone One district. This enterprise zone will expire after 2003, but the Department of Economic Development is applying to have the area reestablished. The program is intended to assist new and existing businesses with a series of tax credits and other incentives for locating in this area and hiring low to moderate-income workers or Enterprise Zone residents. The Rental Rehabilitation Program provides grants to property owners to rehabilitate substandard structures and rent to low to moderate-income residents in the Enterprise Zone area.

Industrial development is primarily on parcels near or bordering the Norfolk Southern railroad tracks and the Roanoke River. These areas are for the most part well utilized and house many valuable light and heavy manufacturing uses. There are pockets of underutilized properties, and several abandoned industrial sites that will require substantial investment to raze or revitalize. The former Evans Paint factory is perhaps the most extreme case. In other areas, there are parcels, and in a few cases entire blocks, of unoccupied LM or HM land that could be redeveloped with minimal investment towards clean-up and site preparation.

In the West End neighborhood, Campbell Avenue is a dividing line between the industrial and office districts. North of Campbell Avenue there are several auto repair and machine shops. Farther north and closer to the railroad tracks there are several more intensive manufacturing establishments.

The office district along the southern side of Campbell Avenue, roughly between 5th and 8th Streets, is home to several non-profit organizations. The Jefferson Center is the focal point of the office district. Future development slated for this area will enhance the Jefferson Center, and link the area to downtown, increasing the area's vitality. Two new developments are currently in the planning stages; a new YMCA facility will be constructed on what is currently a parking lot at 5th Street and Church Avenue, and plans are in the works for the former Cotton Mill on Sixth Street to become an artist's studio and residence, and/or a mixed use development.

The primary commercial corridor in the area is along 13th Street and the 1200 - 1300 blocks of Patterson Avenue. Existing retail establishments include a grocery store, two gas stations, several convenience stores and a few restaurants. There are also a few automobile service establishments in the area. In addition, this area is close to downtown, the neighborhood commercial district of Grandin Village, and the commercial corridor of Melrose Avenue.

Industrial Corridors

Industrial development in Hurt Park, Mountain View and West End comprises a viable part of the City's tax base. While the Department of Real Estate Valuation classifies many parcels in the LM and HM districts as vacant, most of these properties are auxiliary to existing operations and are only classified as such because they do not have a structure on them or are not the primary parcel of a given development.

In the northeastern portion of the area, most of the LM zoned parcels are smaller, reflecting the neighborhood's original residential development pattern. These smaller parcels have led to likewise small business industrial development, as they are not large enough for more intensive industrial uses.

Both the HM and LM districts abut RM-2 districts. Residents voiced dissatisfaction with the lack of buffering in some areas. Many industrial sites in the northeastern portion of the area have little to no screening from the street and are exposed to the streets and nearby residents. Rorer Avenue is a transitional street in this area with residential development alongside industrial uses. In contrast, the southwestern and westernmost portions of the area are by and large naturally buffered from most of the adjoining residential properties. However, some residences on Campbell and Chapman Avenues are exposed to industrial development.

While manufacturing uses now comprise much less of the City's employment and tax base than when the area was initially rezoned, uses that fall under the purview of LM and HM zoning comprise roughly 20% of the City's employment, according to recent Virginia Employment Commission figures. The LM and HM zoning districts lie alongside the Norfolk Southern railroad tracks on the north and along the Virginian line on the south. These districts are appropriately located and are preferable to the higher elevated land in the center of the area. Moreover, as noted earlier, existing industries in these districts are an important component of the City's economy.

Residents expressed their desire to at the least halt the expansion of industrial uses from encroaching further into residential areas, but would prefer to have much of the area rezoned for residential use. Redevelopment of industrial and commercial land is one of the strategic initiatives of Vision 2001-2020. The West End neighborhood and the HM district along the Roanoke River are listed in Vision 2001-2020 as development opportunities. As the LM and HM districts are well established with industrial uses, redevelopment of these sites is essential to the economic development of the City. At the same time, the amount of land zoned for industrial use in the area is sufficient and possibly even unnecessary in a few transitional areas. Further examination of the zoning in the area will be done in the update of the City's zoning ordinance, based on the future land use map.

In addition, a possible compromise for areas with such incompatible land-uses may be an appropriate mix of commercial and industrial uses that will allow for infill development of the smaller parcels that is less intensive than the current zoning permits. This strategy is specifically cited for the redevelopment of several industrial corridors in Vision 2001-2020.

Village Center Development

Vision 2001-2020 promotes the village center concept - high-density residential mixed with commercial uses - as a strategic initiative for development in City neighborhoods. The Hurt Park and Mountain View neighborhoods feature a village center along 13th Street from Patterson Avenue south to Cleveland Avenue. This area, which is noted in Vision 2001-2020 as a "village center for revitalization," has several commercial establishments that residents can walk to. However, residents have expressed concern with several establishments in the area, noting improper business practices, alcohol-related offenses, patrons loitering during and after business hours, and the general appearance of some establishments that need streetscape improvements and building rehabilitation. A major challenge the neighborhood faces is keeping commercial services while maintaining public safety.

This village center is strategically located. Thirteenth Street is part of US Route 11 between Campbell Avenue and the Memorial Bridge, and this route is well traveled by shipping trucks, and local commuters. Thus, the 13th Street village center has the potential to draw business from cars passing through, and from local residents who can walk to the location.

Of the commercial services the area lacks, residents expressed the greatest interest in having a large chain grocery store. However, it should be noted that residents are close to two of the City's three largest neighborhood grocery stores. The Sav A Lot Supermarket is in the Hurt Park neighborhood on the 1200 block of Patterson Avenue, and Mick or Mack is just over a half-mile to the south on Winborne Street in Grandin Village.

Jefferson Center/West End Revitalization

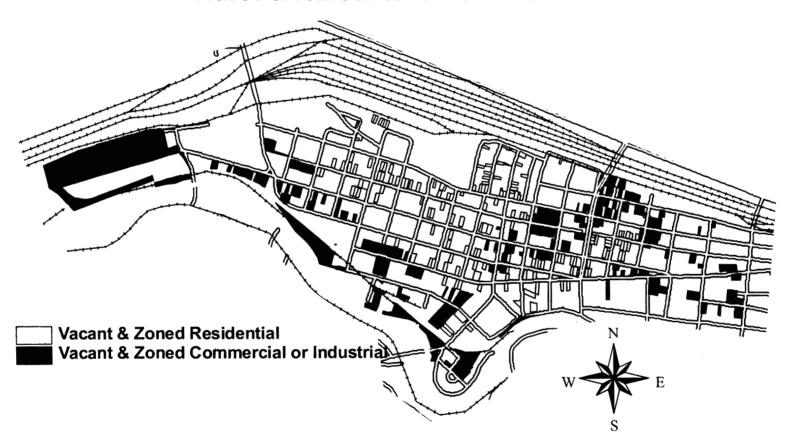
In 1997 the Jefferson Center Area Master Plan was adopted by City Council. More recently, Outlook Roanoke, the City's Downtown plan adopted in 2002, includes the "Jefferson Center Initiative." This initiative calls for a linkage of the Jefferson Center area, including the Cotton Mill and the new YMCA, to Old Southwest and downtown. Such a linkage will be achieved by encouraging an expansion of the downtown development pattern, including residential and live/work space, and streetscape improvements on those streets that provide linkages. The Outlook Roanoke plan calls for a parking garage to be provided and for a small public open space to be located along 5th Street in front of the new YMCA.

As previously noted, revitalization of the Jefferson Center is currently underway with the recent rezoning for the new YMCA and the Cotton Mill. Crucial to the success of the area and the Jefferson Center itself, will be the character and condition of development on the streets surrounding it.

Across from the Jefferson Center, the north side of the 500 block of Campbell Avenue consists of mainly vacant parcels. The view to the north is thus of the rear side of industrial buildings on Rorer Avenue. Although the 500 block of Rorer Avenue is a vibrant small industrial area, the rear of these buildings show signs of neglect and even give the impression that they are vacant. Street front commercial or office development on the north side of the 500 - 800 blocks of Campbell Avenue would substantially enhance this area and buffer it from the LM district that lies to the north.

Likewise, revitalization of Marshall Avenue with infill development on the 500 - 600 blocks is necessary to improve the stability and attractiveness of the neighborhood. The Old Southwest Neighborhood Plan calls for this to be a mixed-use area that provides a transition to downtown.

Development Opportunities in Hurt Park/Mountain View/West End



Infrastructure

The neighborhood has an interconnected grid system that provides good vehicular access to its streets and alleys. The main thoroughfares that serve the neighborhood are Salem, Patterson/Boulevard, and Campbell Avenues, 10th and 13th Streets. Vehicular and pedestrian traffic moves well through the arterial streets of Campbell, Patterson, and Salem Avenues, 13th, and 10th Streets. Campbell Avenue from 5th Street to 13th Street runs in a diagonal direction creating irregularly shaped blocks in West End and the southern portion of the Mountain View neighborhoods, making it more difficult for vehicular traffic to circulate.

Most of the main thoroughfares have been identified by the Virginia Department of Transportation (VDOT) as currently supporting traffic at an adequate level. A section of Salem Avenue between 10th Street and 15th Street, 13th Street between Salem and Patterson Avenues, and a section of

Street Level of Service (LOS) Projections, 1990-2015				
Street	Section	1990 LOS	2000 LOS	2015 LOS
10th Street Bridge		С	С	С
Patterson	10th to 11th	С	С	С
Salem Avenue	6th to 10th	С	С	С
Campbell Avenue	Salem to 9th	Đ	D	E
Salem Avenue	10th to 15th	D	D	E
Campbell Avenue	Patterson to 10th	С	С	С
13th Street	Salem to Patterson	С	С	D
5th Street	Campbell to Elm	C/C	C/C	C/D
5th Street Bridge		D	С	С
Source: Roanoke City Thoroughfare Plan				

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Projected Traffic Counts, 1990-2015			
Street	Section	Avg. Daily Trips (1990-92)	Projected Daily Trips (2015)
Memorial Avenue	S. Memorial Bridge to Campbell	15022	15900
13th Street	Campbell to Patterson	5778	7700
13th Street	Patterson to Salem Avenue	5778	5500
Salem Avenue	2nd to 9th	5210	5500
Salem Avenue	9th to 13th	7997	8898
Campbell Avenue	13th to 7th	4877	4600
Campbell Avenue	7th to 3rd	8509	7100
Norfolk Avenue	Campbell to 14th	9143	10100
Patterson Avenue	13th to Campbell	7263	6600
Patterson Avenue	Boulevard to 13th	9683	10200
5th Street	Elm to Salem Avenue	6178	7900
5th Street	Salem Avenue to Moorman	9504	14600
10th Street	Campbell to Gilmer	8859	12400
24th Street	Patterson to Salem Avenue	17720	15600
24th Street	Salem Avenue to Baker	15143	15600
Patterson Avenue	Boulevard to Bridge Street	7670	11200
Bridge Street	Mtn. View Terrace to Patterson	unavailable	4700
Source: Roanoke Valley Area	a Long Range Transportation Plan, 1995-201	5	

Campbell Avenue between 9th Street and Salem Avenue are forecasted to exceed their intended capacities by 2015. VDOT rates streets and intersections with Level of Service (LOS) ratings from A-F. A LOS rating of C is generally considered standard, meaning that a given street is experiencing an optimal rate of travel. For urban areas, a LOS of D is considered sufficient. LOS ratings of E and F denote streets that are experiencing more traffic than their designed usage.

Gateways

Beautification of the gateways into the area would enhance the neighborhood's image and help in calming traffic. None of the neighborhoods has a welcome sign, as seen in the gateways of other City neighborhoods. The main gateways are 13th Street on the south, 10th Street on the north, and Boulevard (Shafers Crossing at 24th Street) on the west. On the eastern edge of West End, the grid system extends from downtown and there isn't a definitive gateway into the area.

These gateways would be greatly enhanced by the addition of landscaping and signs. Residents expressed interest in seeing a sign on Patterson Avenue for the historic district. The district covers both sides of Patterson Avenue from midway into the 1300 block to 19th Street. Thus, welcome signs indicating the historic district could be placed on each side, at the western end and near its intersection with 13th Street. Gateway improvements should be done in conjunction with streetscape improvements.

Streetscapes

The design of the streets was subject to the topography of the land and the Roanoke River more than the grid system. However, the core of the neighborhood is in a grid system that is well connected on each side to outlying areas. Most of the streets in the neighborhood are of a narrow to medium width, two lanes, and lend themselves to a traditional neighborhood character. Exceptions to this are 13th Street between the Memorial Bridge and Wasena Terrace, Patterson Avenue west of 13th Street, Salem Avenue west of 16th Street, and 10th Street between Campbell Avenue and the bridge.

There are trees and sidewalks along most of the residential streets. Throughout the neighborhood, overgrown vegetation, boarded up or abandoned buildings, vacant lots, and litter detract from the overall positive appearance of the streetscapes.

Improving the City's streetscapes is one of the strategic initiatives in *Vision* 2001-2020. The different types of streets in the neighborhood should be considered in any future infrastructure improvements. In particular, sidewalks and curb and gutter systems are more appropriate for the traditionally designed urban streetscapes, such as 13th Street, Campbell, Chapman, Salem and Patterson

Avenues.

While most of the neighborhood's sidewalks are adequate, on some streets sidewalks have been poorly maintained or are missing segments in between stretches of well-maintained pavement. As a result, some streets in the area are not as conducive to pedestrian traffic as they could be. Sidewalk improvements should be installed on streets that have the greatest pedestrian traffic and/or those that can be linked to existing sidewalks.

One of the attractive features of the area's streetscapes are the tree canopies that line the streets. For the most part the residential streets - Chapman, Patterson, Rorer and Salem - have trees along them. However, some blocks have inconsistent tree canopies and would benefit from new plantings. In addition, tree planting along streets with industrial uses that abut residential areas would provide a much needed buffer.

While a healthy tree canopy enhances streetscapes and encourages pedestrian traffic, it may adversely impact lighting during night hours. Utility lines should be placed in such a manner that will not impact existing trees or areas where future plantings may be desired.

In addition to improvements to the residual rights-of-way, i.e. sidewalks and planting strips, several streets would also benefit greatly from traffic-calming measures. Improvement strategies for these streets should address the following goals:

- Improve overall livability along the street
- Improve pedestrian safety
- Minimize disruption of the existing neighborhood
- Reduce speed at least 85% of the traffic should travel at 30 m.p.h. or less
- Retain capacity to handle current and future volumes, while not inducing more traffic
- Keep commuter traffic off of side streets
- Ensure other thoroughfares carry their "fair share" of traffic

Streetscape and traffic-calming measures can respond to these goals. Following are some potential streetscape/traffic-calming tools that may be used:

- Planting large-species trees on both sides of the street.
- On-street parking.
- Installing curb extensions at intersections and mid-blocks to reduce crossing distance for pedestrians and define parking lanes.
- Marking pedestrian crossings with stamped asphalt or other material to create

a change in color and texture.

- Painting the shoulder to reduce the apparent pavement width and keep traffic away from street trees.
- Lateral shifts in the travel lanes from one side of the street to the other.
- Speed tables and raised intersections.

The arterial and heavily traveled steets are the top priorities for streetscape and traffic-calming improvements. The streets that should be considered are:

- 13th Street
- Patterson Avenue
- Salem Avenue
- Campbell Avenue
- · Riverside Boulevard
- 10th Street

13th Street

Recently, the redecking of the Memorial Bridge temporarily reduced Memorial Avenue and a section of 13th Street from four to two lanes. Now that work on the bridge is complete and the street has been repaved, a traffic calming initiative is planned for Memorial Avenue from Grandin Road to 13th Street and Wasena Terrace. Memorial and this section of 13th Street will have two travel lanes with bike lanes on each side of the street, and on-street parking on the southern side.

Residents mentioned problems with speeding on 13th Street, which should be alleviated some by reducing the number of travel lanes. In addition, the traffic-calming plan should benefit businesses and residents near 13th Street as it will induce a slower and more neighborhood oriented flow of the great amount of through traffic that commutes through the street.

Other potential improvements for 13th Street are:

- Planting small trees in the planting strips.
- Textured sidewalks at Wasena Terrace and across Patterson Avenue.
- A welcome sign in the median at the end of the bridge.

Patterson Avenue

Patterson Avenue is in the heart of the area and is an arterial street that connects 24th Street, Northwest to Campbell Avenue and downtown. It is a large boulevard that measures 70 feet wide with 40 feet of pavement for most of its stretch between Campbell and 13th Street. West of 13th Street it is 100 feet wide with 40 feet of pavement. Along this section of the street, the additional right-of-way consists of sidewalks and 20-foot wide planting strips.

Potential improvements to Patterson Avenue are:

- Create four 10 foot wide lanes demarcated by striping, two for parking and two for travel.
- Planting large-species trees on both sides of the street.
- A median at 13th Street, approximately five feet wide and 10 feet long.
- Marking pedestrian crossings between key side streets, e.g. 13th, 15th and 19th Streets, with stamped asphalt or other material to create a change in color and texture.
- Place welcome signs that denote the historic (H-2) district and/or Hurt Park at 13th Street and around where it intersects with Boulevard.

There is on-street parking on both sides of the street. While the width of the pavement combined with the on-street parking should suffice to keep traffic at the posted 25 mph speed limit, there are usually few parked cars on the street. In addition, several blocks on the street lack any trees or other landscaping. As a result, Patterson Avenue's unpaved right-of-way widens drivers' focal point and speeds increase. Striping to mark the parking lanes would help to reduce speeds.

The bare stretches of the planting strips along Patterson should be landscaped, preferably with large species trees that will provide an overhanging canopy, similar to the design of Melrose Avenue between 12th and 20th Street, Northwest. Trees will improve the appearance of the street and help to reduce the speed of traffic to its posted limit.

Another possibility for Patterson from 13th to 20th Street is a five to six foot wide median at its intersection with 13th Street. This would entail a reduction of the pavement width, and would also serve both aesthetic and traffic-calming purposes.

As a central point of the neighborhood and a highly visible street, the functionality and appearance of Patterson Avenue is crucial to the area's revitalization and is a high priority in this plan.

Salem Avenue

Between 5th and 10th Street Salem Avenue is a two-lane urban arterial street that is well traveled and currently serves traffic adequately. West of 10th Street, it is an urban collector street as it intersects with Boulevard near the bridge to Shafer's Crossing.

Potential improvements to Salem Avenue are:

- On-street parking in areas where it is currently prohibited and would not impact public safety. This is only possible on one side of the street to the east of 10th Street, but is possible on both sides of the street west of 10th Street.
- Bike lanes where it is wide enough, e.g. west of 10th Street.

Between 10th and 16th Street Salem is narrow (30 feet of pavement) and the presence of on-street parking keeps vehicles close to the 25 mph speed limit. While, traffic counts are expected to increase on Salem Avenue in the next 12 years, it currently functions well as a traditional urban street.

West of 16th Street, near the Hurt Park Housing Development, Salem Avenue becomes much wider (95 feet with 40 feet of pavement). Salem serves industrial uses along the 1900 - 2100 blocks, but is predominantly residential east of 19th Street. Between 16th and 19th Street Salem is unnecessarily wide. Striping to create bike lanes and/or on-street parking would slow traffic and make it more pedestrian friendly. Pending future changes to the Hurt Park housing development, the streetscape of Salem Avenue should be designed in accord with any redevelopment or restructuring that takes place, taking into account the recommendations of this plan.

Campbell Avenue

Most of Campbell Avenue has a paved area about 30 feet wide. It is an urban arterial street that for the most part functions well when nearing capacity, however tends to see increased speeds when not in peak hours. The area of concern is roughly between the intersection with Patterson Avenue to 13th Street.

Potential improvements to Campbell Avenue are:

- 3 foot stripe on the north side where there is no parking.
- Increase on-street parking on the southern side with a seven-foot wide lane where it is currently prohibited.

Stretches of Campbell Avenue would benefit from an increased tree canopy, however there is very little residual right-of-way, and the planting strips are very narrow or don't exist at all. Most of the trees along Campbell are in the front yards of private property owners.

Parking is prohbited on most of the north side of the street between Patterson Avenue and 13th Street. To reduce speeds to the posted limit, striping on this side of the street three feet from the curb would create an informal bike lane and create the perception of a narrower street for motorists, while not actually narrowing the pavement.

On the south side of the street between Patterson Avenue and 13th Street, onstreet parking is prohibited in some areas where it would be feasible. Line of sight distances need to be considered to maintain safe turning areas from the side streets, which limits parking at those intersections. However, on several segments of the street parking is prohibited for no apparent reason.

Riverside Boulevard

Riverside Boulevard is an attractive street on the edge of the neighborhood. While it is secluded from most of the traffic on the neighborhood's arterial streets, it is unique in that it functions as a residential street and as a collector between the arterial streets of 13th Street, Campbell, and Elm Avenues.

Potential improvements to Riverside Boulevard are:

- Striping of the center line.
- Repair of the existing sidewalk and infill of new sidewalks.

Riverside sees considerable traffic in a.m. peak hours, most of it as a cutthrough route to or from 13th Street. There is no painted center line on the street, yet there are two forks along it, one where it intersects with Wasena Terrace, the other where it intesects with Ferdinand Avenue. The lack of center line leads to increased speeds and narrow turns without regard for the space of the travel lane. It is also a heavily traveled street by pedestrians. There is a segment on the southern side that lacks sidewalk, while the northern side lacks sidewalk from Wasena Terrace to Ferdinand Avenue. This side of the street is particularly unsafe for pedestrians.

10th Street

Tenth Street was widened to four lanes from its original two. While traffic counts are projected to increase on the street, it is unecessarily wide and is characterized by its wide open expanse and vehicles exceeding the speed limit. It is uninviting to pedestrians, and special care must be taken when crossing it.

Potential improvements to 10th Street are:

- Planting large species trees in the medians.and in the residual right-of-way where possible.
- Add bike lanes with striping to both sides of the street.
- Place a welcome sign in the median on the northern side.

Tenth Street has a great deal of open space to motorists, as visually there is little to nothing in front of drivers save for the stoplight. This simulates the feeling of a highway, yet the street eventually narrows back to two lanes on each side. Creating an overhanging tree canopy by planting in the medians would fill some of the open spacethat the widening created, and give the street more aesthetic appeal while reducing traffic speeds.

Bicycle lanes would also calm traffic while utilizing more of the paved street. North of the railroad tracks at Loudon Avenue 10th Street is in the *Roanoke Valley Conceptual Greenway Plan*, as it connects to the Lick Run route. In addition, the section of 10th Street in the neighborhood is the major connection to the Roanoke River Greenway via the Wasena Bridge and Ferdinand Avenue. Thus, it will likely see increased bicycle traffic.

As a gateway to and from the neighborhood, 10th Street's appearance is important to the area's image. A welcome sign with West End and/or Mountain View on it would add a lot to what is otherwise empty space.

Public Transportation

Valley Metro has two routes that serve the neighborhood. Both routes start at Campbell Court and exit the neighborhood over the Memorial Bridge on 13th Street. Route 65/66 loops through the neighborhood on Salem Avenue, 18th Street, Patterson Avenue, and 13th Street. This bus has a route variation that extends out to the end of Patterson Avenue. Route 71/72 can be accessed from Patterson, Campbell, or 13th Street and the route passes the Lee-Hi Shopping Center and turns around at Lewis-Gale Hospital.

Bicycle/ Pedestrian Connections

Sidewalks

Most of the residential and main arterial streets have sidewalks in good condition. A few blocks such as the 1300 and 1400 blocks of Rorer have vegetation that completely covers the sidewalks. Blocks with primarily commercial/industrial uses are lacking sidewalks, though these areas do not usually experience heavy pedestrian traffic. Many of the numbered north - south streets in the residential areas do not have sidewalks on one or both sides.

The condition of the sidewalks in the neighborhood is good for the most part, with some areas in need of maintenance, but virtually all are still functional. A greater problem for the care and use of sidewalks is litter, particularly broken glass, which in some areas effectively prohibits their use. In addition, a few areas in the neighborhood have sidewalks fronting dilapidated structures or vacant land. This has reduced the amount of pedestrian traffic and allowed vegetation to encroach upon and in between such sidewalks. Sidewalk improvements in the area should be focused on infill that connects the existing networks and repair of those in poor condition before any new blocks are added.

Bicycle Traffic

There is very little bicycle traffic in the area. The *Bikeway Plan for the Roanoke Valley*, adopted by the Roanoke Valley Area Metropolitan Planning Organization in 1997, recommends streets for increased bicycle accommodation. Several streets in the area are recommended in the Plan.

As previously noted, the proposed traffic-calming plan on 13th Street will add bike lanes on both sides of the street between Wasena Terrace and the Memorial Bridge. In addition to striped travel lanes, the other streetscape improvements in this plan will produce a more accommodating environment for cyclists.

Curb and Gutter

Most streets in the area have curbs and gutters. Most of the streets that lack curb and gutter are the north to south streets or are in the industrial districts. Drainage is good and there are few problem areas.

An inventory of all streets that lack curb or gutter is included in the list of sidewalk improvements. Priority for curb and gutter improvements should be on the east to west streets where enclosed drainage systems are in place. Priority should also be given to streets where curb and gutter improvements will enhance existing drainage systems without compromising their effectiveness.

Street Lights

Hurt Park, Mountain View and West End are well served with streetlights throughout most of the neighborhoods. There are no areas of immediate need for additional lighting fixtures.

However, residents stated that in some areas the lights do not illuminate brightly enough. The neighborhood organizations should assist residents in submitting requests for increased wattage of streetlights where necessary.

Utilities

The area is well served with public utilities. Power, phone and cable TV utilities are generally above ground. Natural gas and public water/sewer are available throughout the area.

Public Services

Police

Public safety in the area is of great concern to residents and is crucial to improving the neighborhood's future. C.O.P.E. (Community Oriented Policing Effort) units spearheaded an effort to reduce crime in the neighborhood in late August 2002. This effort is designed to involve the Police Department, various City agencies, and the citizens of the neighborhood, in collaborative efforts to prevent crime.

More recently, the planning process for this plan included two meetings held by the Police Department. Planning staff, as well as staff from the Department of Housing and Neighborhood Services and the Health Department attended these meetings and participated in discussions with residents. The meetings reaffirmed the need for the neighborhood to take an active role in crime prevention and quality of life issues, such as reporting crimes and property maintenance violations.

The neighborhood lies completely within the Police Department's District 5. Aside from this neighborhood, District 5 also contains the area just south of the Roanoke River, and north of Lexington and Memorial Avenues.

Fire/EMS and other Public Services

Fire Station 3, located at 301 6th Street in the West End neighborhood, houses both an Engine (water pump) and a Medic team. This station was built in 1909 and is not suitable for modern equipment. The Fire/EMS Strategic Business Plan recommends that a new multi-functional station be built to replace the current station numbers 1 and 3. Upon completion of the new facility, the plan recommends that Station 3 either be sold, leased to a neighborhood organization that will assume maintenance responsibilities, or razed with the lot to be put up for sale. The City's old fire stations are valued by the community, and efforts should be made to find an adaptive reuse for Station 3 before it is put on the market.

EMS 1 and Fire Station 7 are located adjacent to the neighborhood. EMS 1 at 374 Day Avenue is the only station citywide to exclusively support a medic team. It is also the only station that has both volunteer and professional emergency medical technicians (EMT's). Fire Station 7 at 1742 Memorial Avenue maintains both a Ladder and an Engine team.

Solid Waste Management

Trash, bulk and brush, and recycling collection is provided on the curbs of most streets, and in some areas is picked up in the alleys. *Vision 2001-2020* promotes recycling for both residential and commercial properties. Separate containers are provided by the City for paper and cans and bottles, and collection is in accord with trash pick-up. Despite the provision of containers and the convenience of the service, most properties in the neighborhood do not take advantage of it.

Schools and Libraries

Hurt Park Elementary School, located at 1525 Salem Avenue, is the only school in the area. There is not a library in the area, but the Melrose, Gainsboro and Downtown branches are all relatively close.

Quality of Life

Parks and Recreation

The area is well served with both indoor and outdoor recreation facilities.

The area features three parks:

- Hurt Park located in front of Hurt Park Elementary School, it features a
 paved fitness course and a basketball court.
- West End Park on the corner of 10th Street and Campbell Avenue. This small park features a large field and a playground.
- Perry Park located on the 1100 block of Norfolk Avenue. The park has a playground, basketball court, and a tennis court.

The Department of Parks and Recreation also operates Mountain View on 13th Street, with the Fishburn Rose Garden just to the south. Mountain View is a massive, renovated older home listed on the National Register of Historic Places. It features office and classroom space, with most of its activities geared toward seniors. Much of the building's space is used sparingly, however it is a community asset for its architectural history and significance, and its current use.

In the public workshops, Hurt Park residents expressed the need for a community facility that caters to all ages. Residents said they would like to see a comfort station - a bathroom and water fountain - at Hurt Park.

Health and Human Services

The Health Department is located on 8th Street just off Campbell Avenue in West End, however under current plans it will relocate to Williamson Road along with the City's Department of Social Services. There are several other social service organizations in the office district of Campbell Avenue between 5th and 9th Streets, including the Council of Community Services.

The Hurt Park neighborhood has two major establishments that offer services for children. The Hurt Park Day Care Center is located in the 1600 block of Salem Avenue between the Hurt Park Housing Development and Hurt Park Elementary School. It is operated by Total Action against Poverty (TAP) and primarily serves residents from the housing development.

The West End Center at the corner of 13th Street and Patterson Avenue is a non-profit organization that offers after school programs for children from grades 1 to 12. The Center is designed to meet the recreational, educational, social and nutritional needs of children, and offers individual counseling and tutoring as well. The Center has a waiting list and would like to expand its capacity to accomodate the demand. They also suggested that CDBG funds could be allocated to human services in the neighborhood.

There are 10 Churches in the area and the Kazim Temple on Campbell Avenue. The Salvation Army has a location on Salem Avenue, and Habitat for Humanity's Roanoke Valley office is in an industrial district on Cleveland Avenue.

Environment

There are several properties in the 100-year flood plain. These properties all lie along the Roanoke River and extend from the mobile home park just east of the Memorial Bridge to the westernmost portion of the area. Several of these parcels are abandoned industrial sites or adjoin such properties. Since redevelopment of these sites will be particularly difficult, consideration should be given to purchasing these properties and cleaning them up for public re-use as greenspace or park land.

Recommendations

Recommended Policies and Actions

Recommendations are organized by the Plan Elements (community design, residential development, etc.). Recommendations take the form of "policies" and "actions." Policies are principles or ways of doing things that guide future decisions. Generally, policies are ongoing. Actions are projects or tasks that can be completed and have a definite end.

Community Design Policies

- **Development Model:** Future development should follow the traditional neighborhood model prescribed by *Vision 2001-2020*.
- Thirteenth Street Village Center: The village center should be dense, compact in size, and identifiable. Uses in the village center should generally be neighborhood-oriented commercial, but should also contain some businesses that serve a larger market. Live-work spaces and upper floor residential will be encouraged in the village center.
- **Building scale:** Buildings should have at least two stories to encourage efficient use of limited commercial land, diverse uses, and compatibility with the traditional development of the neighborhood.
- Building location: To encourage a pedestrian environment and desirable streetscape, buildings should be placed close to the street, immediately adjacent to the sidewalk. Storefronts should be limited in width (25'-40'). Established building lines of existing development should be used to guide placement of infill dwellings.
- Parking: Parking is recognized as a necessity, but should not be allowed to
 dominate any development. Parking should be located primarily on-street.
 Zoning regulations should consider the availability of on-street parking when
 determining appropriate levels of on-site parking. Where additional parking
 is warranted, it should be located to the rear or side of buildings.
- **Gateways:** Gateways should enhance linkage to surrounding areas and provide a positive impression of the neighborhood.

Community Design Actions

- Implement infill design regulations: Establish the Neighborhood Design
 District zoning overlay in areas outside the H-2 District to ensure that new
 construction is compatible with the traditional design of existing development.
- Encourage office-residential mix: Change zoning to allow mixed office and residential uses in the H-2 District on Patterson Avenue and in West End to encourage rehabilitation, adaptive reuse, and preservation of large, historic houses.
- Implement village center zoning: Change zoning in the 13th Street village
 center to encourage a mix of uses and building scales that are appropriate in a
 neighborhood setting. Development codes should promote development of
 well-designed commercial structures that encourage pedestrian activity.
- **Encourage corner commercial:** Develop and implement zoning regulations to encourage appropriate reuse of corner commercial buildings.
- **Limit surface parking:** Develop mechanisms to limit surface parking lots and encourage use of on-street parking for periodic uses.
- Establish Gateways: Improve the appearance and functionality of gateways at the intersection of Campbell and Patterson Avenues, the northern end of 10th Street, 13th Street at the Memorial Bridge, and the intersection of Boulevard and Patterson Avenues, by planting appropriate vegetatation and decorative signage. Place a welcome sign for the H-2 Historic District on Patterson Avenue and denote the historic district atop street signs where applicable.

Residential Development • Policies

- Zoning: Zoning patterns should allow for compatible uses in proximity to each other, and provide buffering or transition space between incompatible uses.
- Home Ownership: Encourage more home-ownership in the neighborhood.
- Design of Infill Housing: New housing should be compatible with the existing structures in design and scale.
- Diversity of Housing Options: Hurt Park, Mountain View and West End should have a balance of single and multifamily housing. Given the current housing stock, development of more multifamily low-income housing should be discouraged.
- Code Compliance: Houses must be maintained up to code standards.

Residential Development Actions

- Incompatible Land Uses: Address the lack of buffering and transitional uses between residential and non-residential uses in future zoning decisions.
- Increase Home Ownership: Work with various housing developers and organizations to develop housing that will increase the number of homeowners in the area.
- Encourage a Diversity of Housing Options: Amend the zoning ordinance to reduce the density in areas with a disproportionate amount of multifamily housing.
- Implement Neighborhood Design District overlay zoning in areas that are not part of the H-2 District.
- **Apply design guidelines:** Insure that infill housing adheres to the design guidelines of *Vision 2001-2020*.
- Continue Code Enforcement: Continue the Rental Inspection Program.
- **Report code violations:** Coordinate reports to the City of all property maintenance violations through the neighborhood organizations.
- Market historic district: Increase awareness of tax incentives for properties that are eligible.

Economic Development Policies

- Underutilized Industrial Land: Encourage infill development of vacant parcels in the LM and HM districts.
- Incompatible Land Uses: Industrial uses should have as minimal impact as
 possible on adjoining residential areas in terms of visibility, noise and air
 quality.
- Neighborhood Commercial: Commercial establishments should be compatible with the neighborhood.
- Connectivity: The neighborhood should connect seamlessly to its surrounding
 areas and compliment them. Development of the Jefferson Center/West End
 area should be done in accordance with the Outlook Roanoke (Downtown)
 and Old Southwest Neighborhood Plans.

Economic Development Actions

Change Zoning: Amend the zoning ordinance and zoning map in the neighborhood to incorporate appropriate commercial uses in the LM and HM districts.

Designate the 13th Street corridor as a village center in the update of the zoning ordinance.

Reevaluate all commercial and industrial areas of the neighborhood in the update of the zoning ordinance, based on the future land-use map.

- **Improve buffers:** Consider planting trees and/or establishing green space to buffer industrial uses from residential areas.
- Improve linkage: Improve streetscapes along 5th Street, Campbell Avenue and 10th Street to improve the linkage of the neighborhood to surrounding
- Reinstate Enterprise Zone: Apply for the reinstatement of State Enterprise Zone One.

Infrastructure Policies

- Streetscapes: Streetscapes should be well maintained, attractive and functional for pedestrian, bicycle and motor traffic, and traditional neighborhood streets should have urban amenities such as sidewalks and curb and gutter.
- Connectivity: The connectivity of streets and the grid street system should be promoted and maintained.
- **Street width:** Streets should be kept at the minimum width necessary to accommodate vehicular traffic and on-street parking.
- Storm Water Management: Storm water drainage problems should be mitigated as much as possible through public improvements.

Infrastructure Actions

- Improve Streetscapes: Prioritize and conduct streetscape improvements (see outline on page 3) on the following streets:
 - 13th Street
 - · Patterson Avenue
 - Salem Avenue
 - Campbell Avenue
 - · Riverside Boulevard
 - 10th Street
- Improve infrastructure: Submit cost estimates for sidewalk and curb and gutter improvements to the Department of Engineering for evaluation of future improvements.

Coordinate new sidewalk and curb construction with repairs and the addition of amenities such as street trees.

Retain grass buffer strips for street trees on sidewalk infill projects.

Public Services Policies

- **Police:** The close relationship that officers assigned to the area have with residents and neighborhood organizations should continue to be strengthened and supported.
- **Public Services:** Public services should be delivered to citizens in the most efficient manner possible, including combining some in common facilities in areas where they're needed.

Public Services Actions

- Improve communication between the neighborhood and Police: Continue and improve upon collaborative efforts of residents, the neighborhood organizations and police, including support for a neighborhood watch.
- Continue Code Enforcement: Aggressively enforce property maintenance codes.

Quality of Life Policies

- Industrial sites: activity should be screened as much as possible from adjoining residential areas.
- Parks: neighborhood parks should be safe and have well-maintained facilities that will be used by nearby residents.
- **Pedestrian and Bycycle Accomodation:** Streets in the neighborhood should accommodate pedestrians and bicycles in addition to vehicles.

Quality of Life Actions

- Plant Trees: Initiate tree planting on streets where homes lack buffering from industrial uses. Work with the Neighborhood Partnership to plant trees and other landscaping.
- Hurt Park: Work with the Department of Parks and Recreation to determine the priority and feasibility of developing a Master Plan for Hurt Park, specifically taking into consideration the construction of a comfort station.
- Clean up Abandoned Industrial Sites: Consider allocating funds to
 purchase and clean up brownfield parcels and others that are in the flood
 plain when the area is selected as a CDBG target area.

Implementation

Funding

Funding for major infrastructure projects is generally provided through the city's Capital Improvement Program. Funding can come from a variety of sources, including CDBG, transportation funding, state and federal funds, and general revenue. The Capital Improvement Program is developed by identifying needed projects and matching them with potential funding sources. Each project is reviewed and ranked in terms of priority.

The tables on the following page identifies major projects, their time frame, the lead agency or department, and potential sources of funding. The cost of most projects such as streetscape improvements cannot be determined until more detailed planning is completed.

How large projects are funded: The Capital Improvement Program

Needed Projects

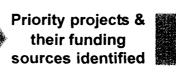
Parks
Buildings
Economic Development
Streets, sidewalks and bridges
Storm drains
Schools





Funding Sources Bonds

General revenues State and Federal CDBG Project grants Others



Implementation

Below is a general guide to the time needed to carry out the actions of this plan. It is intended to assist with scheduling priority projects, but does not provide a specific timeframe for each item.

Abbreviations

ED - Economic Development HNS - Housing & Neighborhood Services PBD - Planning, Building and Development POL - Police

PW - Public Works UF - Urban Forestry

Action	1	2	3	4	Ongoi- ng	Lead Agencies
Zoning Changes	*					PBD
Neighborhood Design District			*			PBD
Improve Gateways			*			HNS/ PW
Support Rental Inspection Program					*	HNS
Market historic tax credits					*	PBD
Appy for reinstatement of Enterprise Zone One	*					ED
Streetscape Improvements: Repaving/Restriping Tree Planting					*	HNS/ PW/ UF
Infrastructure Improvements: Construct new sidewalks & curbs Drainage Improvements			*		*	PW
Continue COPE & Neighborhood Watch					*	POL/ NO
Clean up abandoned industrial sites			*			ED

Funding

Below is a general guide to the resources needed to carry out this plan where costs can be estimated. It is intended to identify needs during budget development, but does not necessarily provide for funding. In some cases, an estimated cost is unavailable because additional assessment is needed. Estimates should be used to anticipate and plan for future funding needs.

Project	Estimated Cost	Participants	Conside rations				
Community Design							
Zoning Ordinance	\$100,000	PBD	Update of the ordinance is currently underway & funding has been allocated.				
Neighborhood Design District	\$5,000	PBD	Legal Ads & printing.				
Improve Gateways	Unknown	HNS/ PW	Possible signage, median, & landscaping.				
Residential Develop	me nt						
Strategic Housing Plan (Citywide)	\$100,000	HNS	Proposal is underway.				
Market historic tax credits	Unknown	PBD	Printing & mailing.				
Infrastructure	Infrastructure						
Streetscape Improvements			Repaving, restriping,& landscaping.				
Sidewalks, Curb & Gutter			Priorities will be established upon adoption of plan.				
Drainage Improvements	- I I I I I I I I I I I I I I I I I I I		Priorities will be established upon adoption of plan.				
Quality of Life							
Clean up abandoned industrial sites Unknown		ED/ P&R	Possible use of CDBG & flood reduction funds				

Acknowledgments

City Council

Mayor Ralph K. Smith
Vice Mayor C. Nelson Harris
Beverly T. Fitzpatrick, Jr.
William D. Bestpitch
M. Rupert Cutler
Alfred T. Dowe, Jr.
Linda F. Wyatt

Planning Commission

Chairman Robert B. Manetta
Vice Chairman Richard A.Rife
Gilbert E. Butler, Jr.
S. Wayne Campbell
D. Kent Chrisman
Henry Scholz
Frederick M. Williams

Planning Building & Development

Brian Townsend, Director

Project Manager:

Frederick Gusler, City Planner

Thanks to the Hurt Park Neighborhood Alliance, all the residents, business and property owners who participated in the community workshops, and Principal Gary Galbreath and Hurt Park Elementary School for their accommodations and continued support of the neighborhood.



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE approving the Hurt Park/Mountain View/West End Neighborhood Plan, and amending <u>Vision 2001 - 2020</u>, the City's Comprehensive Plan, to include the Hurt Park/Mountain View/West End Neighborhood Plan; and dispensing with the second reading by title of this ordinance.

WHEREAS, the Hurt Park/Mountain View/West End Neighborhood Plan (the "Plan") was presented to the Planning Commission;

WHEREAS, the Planning Commission held a public hearing on May 15, 2003, and recommended adoption of the Plan and amending <u>Vision 2001 - 2020</u>, the City's Comprehensive Plan (the "Comprehensive Plan"), to include such Plan; and

WHEREAS, in accordance with the provisions of §15.2-2204, Code of Virginia (1950), as amended, a public hearing was held before this Council on Monday, June 16, 2003, on the proposed Plan, at which hearing all citizens so desiring were given an opportunity to be heard and to present their views on such amendment.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. That this Council hereby approves the Hurt Park/Mountain View/West End Neighborhood Plan and amends <u>Vision 2001 - 2020</u>, the City's Comprehensive Plan, to include the Hurt Park/Mountain View/West End Neighborhood Plan as an element thereof.

2.	That the C	ity Clerk is	directed to	forthwith	transmit	attested	copies	of	this
ordinance to	the City Pla	nning Com	nission.						

3. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKE OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

June 16, 2003

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Beverly T. Fitzpatrick, Jr., Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Conveyance of City-owned Property and Encroachment into Public Right-of-Way – Hamilton Terrace, SE

CHS, Inc. (Carilion Health Systems), owner of properties along Hamilton Terrace, SE, proposes to construct a pedestrian bridge over the Roanoke River. Accessory to the bridge, CHS, Inc. will build a retaining wall and pavilion along Hamilton Terrace, SE, that will link the new Riverwalk Parking Deck, via the new pedestrian bridge, to the public sidewalk along Hamilton Terrace, SE. Construction of the pedestrian bridge is targeted to coincide with completion of the parking deck in September 2003.

A plat has been recorded subdividing parcel #4060101 thereby, creating a utility lot which contains approximately .017 acres, shown as New Parcel "C". See Attachment #1. As the estimated assessed value of this new lot is very low, between \$300 and \$500, staff recommends that the utility lot be conveyed to CHS, Inc. at no charge.

The proposed improvements, which include a retaining wall, sidewalk, canopy and supporting structure, also create an encroachment into the public right-of-way of Hamilton Terrace, SE. The revocable encroachment area is of variable width, containing approximately .063 acres (in addition to the utility lot area) which extends into the right-of-way of Hamilton Terrace, SE. The .063 acres is shown on Attachment #1 as the area dedicated to the City of Roanoke for public use. Liability insurance and indemnification of City by the applicant shall be provided as specified in the attached exhibit, subject to approval of the City's Risk Manager. See Attachment #2.

Recommended Action(s):

Council authorize the conveyance of the utility lot identified as New Parcel "C", along with appropriate temporary construction easements, shown on Attachment #3; and adopt an ordinance, to be executed by the property owner, and recorded in the Clerk's office of the Circuit Court for the City of Roanoke, granting a revocable license to CHS, Inc., to allow the encroachment of a retaining wall, sidewalk, canopy and supporting structure into the right-of-way of Hamilton Terrace, SE.

Respectfully submitted,

Adding Frinchand

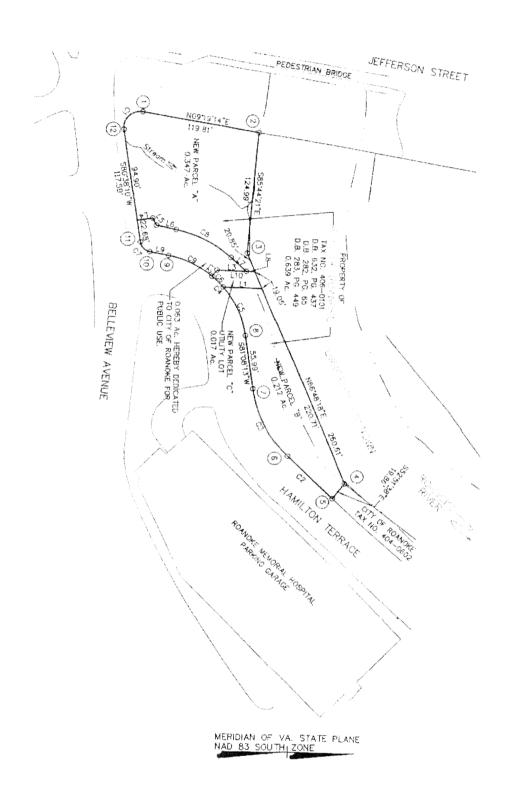
Darlene L. Burcham City Manager

DLB/sef

Attachments

c: William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
Jesse A. Hall, Director of Finance
Sarah E. Fitton, Engineering Coordinator
Wm. Thomas Austin, Mattern & Craig, 701 First Street, SW

CM03-00114



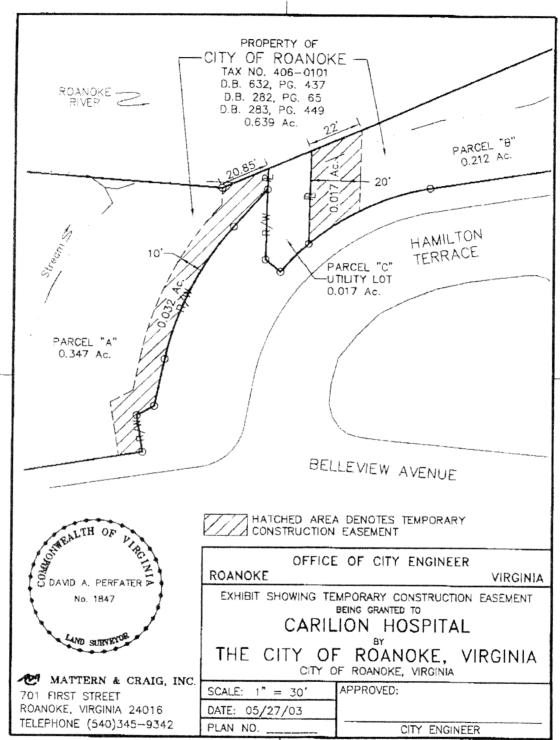
INSURANCE REQUIREMENTS FOR ENCROACHMENTS IN RIGHT-OF-WAY COMMERCIAL

Owner shall obtain liability insurance coverage with respect to claims arising out of the subject matter of this agreement. The amount of such insurance shall not be less than:

- A. General Aggregate \$1,000,000
- B. Products Completed/Operations Aggregate \$1,000,000
- C. Personal and Advertising Injury \$1,000,000
- D. Each Occurrence \$1,000,000
- E. Above amounts may be met by umbrella form coverage in a minimum amount of \$1,000,000 aggregate; \$1,000,000 each occurrence.

Owner shall name the City, its officers, agents, employees, and volunteers as additional insured as its interests may appear on the above policy. Such coverage shall not be canceled or materially altered except after thirty (30) days prior written notice of such cancellation or material alteration to the Director of Utilities and Operations of the City of Roanoke.

Owner shall indemnify and save harmless the City of Roanoke, its officials, officers and employees, from all claims for injuries or damages to persons or property that may arise by reason of the encroachment over public right-of-way.



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IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the City Manager to execute the necessary documents providing for the conveyance of a .017 acre portion of City-owned property known as the utility lot identified as New Parcel C of Official Tax No. 4060101, located along Hamilton Terrace, S.E., and temporary construction easements to Carilion Health Systems ("CHS"), upon certain terms and conditions, and dispensing with the second reading of this ordinance.

WHEREAS, a public hearing was held on June 16, 2003, pursuant to §§15.2-1800(B) and 15.2-1813, Code of Virginia (1950), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on said conveyance.

BE IT ORDAINED by the Council of the City of Roanoke that:

- 1. The City Manager and the City Clerk are hereby authorized, for and on behalf of the City, to execute and attest, respectively, the necessary documents providing for the conveyance of a .017 acre portion of City-owned property known as the utility lot identified as New Parcel C of Official Tax No. 4060101, located along Hamilton Terrace, S.E., to Carilion Health Systems ("CHS"), upon the terms and conditions set forth in the City Manager's letter to this Council dated June 16, 2003.
- 2. All documents necessary for this conveyance shall be in form approved by the City Attorney.

3. The City shall retain any existing easements, together with the right of ingress and egress over the same, for the installation and maintenance of any and all existing utilities that may be located within the demised area.

4. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE granting a revocable license to permit the encroachment of a retaining wall, sidewalk and canopy, with all necessary appurtenances thereto, encroaching approximately .063 acres into the public right-of-way of Hamilton Terrace, S.E., upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

WHEREAS, a public hearing was held on June 16, 2003, pursuant to §§15.2-1800(B), 15.2-1813, and 15.2-2010, Code of Virginia (1950), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on said encroachment.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

- 1. Permission is hereby granted Carilion Health Systems ("Licensee") to permit the construction and encroachment of a retaining wall, sidewalk, canopy and supporting structure encroaching approximately .063 acres into the public right-of-way of Hamilton Terrace, S.E., as more fully described in a letter of the City Manager to City Council dated June 16, 2003.
- 2. Such license, granted pursuant to §15.2-2010, Code of Virginia (1950), as amended, shall be revocable at the pleasure of the Council of the City of Roanoke and subject to all the limitations contained in the aforesaid §15.2-2010.
- 3. It shall be agreed by the Licensee that, in maintaining such encroachment, the Licensee and its grantees, assignees, or successors in interest shall agree to indemnify and save harmless the City of Roanoke, its officials, officers and employees from all claims for injuries or damages to persons or property that may arise by reason of the above-described encroachment in the public right-of-way.

4. The tenant of licensee, its grantors, assigns or successor in interest shall for the duration of this license maintain on file with the City Clerk's Office evidence of insurance coverage in amounts not less than \$1,000,000.00. This insurance requirement may be met by either homeowner's insurance or commercial general liability insurance. The certificate of insurance must list the City of Roanoke, its officers, employees, agents and volunteers as additional insureds, and an endorsement by the insurance company naming the City as an additional insured must be received within thirty (30) days of passage of this ordinance. The certificate shall state that such insurance may not be canceled or materially altered without thirty (30) days written advance notice of such cancellation or alteration being provided to the Risk Management Officer for the City of Roanoke.

5. The City Clerk shall transmit an attested copy of this ordinance to the Roanoke Regional Airport Commission, Roanoke, Virginia.

6. This ordinance shall be in full force and effect at such time as a copy, duly signed, sealed, and acknowledged by Carilion Health Systems, has been admitted to record, at the cost of the Licensee, in the Clerk's Office of the Circuit Court for the City of Roanoke and shall remain in effect only so long as a valid, current certificate evidencing the insurance required in Paragraph 4 above is on file in the Office of the City Clerk.

7. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

ACCEPTED and EXEC	CUTED by the undersigned t	his day of	
·	CARILION HEA	LTH SYSTEMS	
	Its		
STATE OF			
CITY/COUNTY OF	§ \$		
The foregoing instrument	t was acknowledged before	me in my jurisdiction afore	esaid this
day of of (, by	, the	
of C	Carilion Health Systems.		
My Commission expires:		·	
[SEAL]			
		Notary Public	



CITY OF ROANOKE OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

June 16, 2003

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable Dr. M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Beverly T. Fitzpatrick, Jr., Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Public Hearing On Transportation

Equity Act for the 21st Century (TEA-21) Enhancement Projects

Background:

The Transportation Equity Act for the 21st Century (TEA-21) was signed into federal law June 1998. This action reauthorized the federal surface transportation programs for six (6) years, from fiscal year 1998 to 2003, replacing the Intermodal Surface Transportation Efficiency Act (ISTEA). Even though TEA-21 will expire September 30, 2003, Congressional reauthorization is anticipated later this fall to continue this program in a similar form. The current law provides \$215 billion in spending authority for highways and transit, including \$3 billion for transportation enhancement projects.

TEA-21 requires state departments of transportation to set aside 10 percent of their Surface Transportation Program (STP) allocation each year for transportation enhancements. This includes activities such as facilities for pedestrians and bicyclists (such as greenways) and rehabilitation of historic transportation buildings. The Virginia Department of Transportation (VDOT) held a public meeting regarding the TEA-21 enhancement program in Salem on April 4, 2003, at which citizens and public officials were able to ask questions and learn more about this program.

Considerations:

Any group or individual may initiate enhancement projects; however, City Council and the Metropolitan Planning Organization must endorse the applications prior to submittal to VDOT by the applicant by July 1, 2003. Four (4) enhancement project applications have been received and are described in Attachments A through D. The Commonwealth Transportation Board approval of projects is expected to occur after September 2003.

City Council resolutions that would endorse these project applications also require, according to VDOT, that the City of Roanoke agree to be liable for a minimum of 20 percent of the total cost for planning and design, right-of-way and construction of the project, and that, if the City subsequently elects to cancel a project, the City agrees to reimburse VDOT for the total amount of the costs expended by VDOT through the date of cancellation of that project. The project funding summaries, including the proposed source of the local match, is described in Attachment E. An agreement to be executed between the City and a project applicant will require the applicant to be fully responsible for the matching funds as set forth in Attachment E and, if the project is canceled, the agreement will also require the applicant to reimburse the City for all amounts due VDOT.

Recommendation:

Endorse, by separate resolutions, the project applications which are summarized in Attachments A through D, and agree to pay the respective percentages of the total cost for each project (as described in Attachment E) and that, if the City elects to cancel the project, the City would reimburse VDOT for the total amount of costs associated with any work completed on these projects through the date of cancellation notice. Also, authorize the City Manager to execute, on behalf of the City, City/State Agreements for project administration, subject to approval of project applications by VDOT, and authorize the City Manager to execute, on behalf of the City, a legally binding agreement with the project applicants subject to their application being approved by VDOT, requiring the applicants to be fully responsible for its matching funds (as described in Attachment E) as well as all other obligations undertaken by the City by virtue of the City/State Agreement.

Respectfully submitted,

Darlene L. Burcham

City Manager

Honorable Mayor and Members of City Council June 16, 2003 Page 3

DLB/KHK/gpe

Attachments

C: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Kenneth H. King Jr., P.E., Manager, Division of Transportation

CM03-00127

PROJECT - Dumas Center for Artistic and Cultural Development
APPLICANT - Total Action Against Poverty (TAP)

Objective:

Total Action Against Poverty (TAP) is requesting Transportation Enhancement funds in the amount of \$300,000 to support the renovation of the historic Hotel Dumas to create the Dumas Center for Artistic and Cultural Development.

Project Overview:

The historic Hotel Dumas, located in the heart of the Henry Street district at 108 First Street, N.S., Roanoke is a historic inn being renovated to create the Dumas Center for Artistic and Cultural Development. This beautifully renovated historic center will open daily as a cultural tourism destination featuring the displays and programs of the Harrison Museum of African American Culture, performances by the Dumas Drama Guild and music and drama performed by local, regional and national artists and groups in the 260 seat auditorium on the facility's second floor. The Dumas Center for Artistic and Cultural Development is strategically located to become an extension and enhancement of the tourism that is now concentrated in the vicinity of the Roanoke City Market and Hotel Roanoke.

Grant Criteria Met:

This Project relates to 2 of the 12 Transportation Enhancements Funding Categories:

- 1. Historic Preservation.
- 2. Rehabilitation and Operation of Historic Transportation Buildings, Structures or Facilities.

Cost:

TAP is requesting funding through the Transportation Enhancement Program in the amount of \$300,000 in federal funds, to be matched by \$75,000 in local matching funds for a total enhancement grant project cost of \$375,000. This will help fund the overall renovation and site work for the future Dumas Center for Artistic and Cultural Development.

PROJECT - The O.Winston Link Museum

APPLICANT - The O. Winston Link Museum of the History Museum

& Historical Society of Western VA

Objective:

The O. Winston Link Museum of the History Museum & Historical Society of Western Virginia is requesting Transportation Enhancement funds in the amount of \$172,000 to support the design and construction of the museum's open storage component, the refurbishment of authentic station benches, and the restoration and installation of N&W Passenger Station signs.

Project Overview:

The O. Winston Link Museum is located just off I-581, adjacent to Hotel Roanoke, along the Link Run Greenway, and within a five minute drive of Roanoke Regional Airport. This location provides the ability to reach a diverse traveling public. This project will potentially foster a destination attraction and will preserve and provide a new economic function to an architecturally significant structure. This funding will provide the means to complete three key components. Open storage will provide the ability to house and display Mr. Link's photographic works. Restoration of authentic wood benches will add to the atmosphere of the station and museum. Finally, restoration of two authentic N&W Railway signs that were once displayed on the exterior of the station will be completed.

Grant Criteria Met:

This Project relates to 3 of the 12 Transportation Enhancements Funding Categories:

- 1. Historic Preservation;
- 2. Rehabilitation and Operation of Historic Transportation Buildings, Structures or Facilities; and
- 3. Establish Transportation Museums

Cost:

The O. Winston Link Museum of the History Museum & Historical Society of Western Virginia is requesting funding through the Transportation Enhancement Program in the amount of \$172,000 in federal funds, to be matched by \$43,000 in local matching funds for a total enhancement grant project cost of \$215,000. This will help fund the overall project for the future O. Winston Link Museum.

PROJECT - Roanoke Passenger Station Renovation

& O. Winston Link Museum

APPLICANT - The Western Virginia Foundation for the Arts & Sciences

Operating as Center In The Square

Objective:

The Western Virginia Foundation for the Arts and Sciences (WVFAS) operating as Center In The Square is requesting Transportation Enhancement funds in the amount of \$440,000 to reduce the debt service incurred to complete the renovation of the Roanoke Passenger Station.

Project Overview:

The Roanoke Passenger Station Project is an ongoing project to renovate the historic passenger station. The project has received enhancement funds previously and has awarded and begun construction with a scheduled completion date of September 1, 2003. The project has received funds from previous enhancement funds, TEA-21 High Priority Funds, the City of Roanoke, and various private and corporate donations. This additional funding will ease an extreme hardship on the non-profit sponsor, WVFAS, that has recently lost operating funds as a result of cuts in State funding.

Grant Criteria Met:

This Project relates to 7 of the 12 Transportation Enhancements Funding Categories:

- 1. Bicycle and Pedestrian Facilities
- 2. Scenic Easements and Scenic or Historic Sites
- 3. Scenic or Historic Highway Program
- 4. Landscaping and Other Scenic Beautification
- 5. Historic Preservation;
- 6. Rehabilitation and Operation of Historic Transportation Buildings, Structures or Facilities; and
- 7. Establish Transportation Museums

Cost:

The Western Virginia Foundation for the Arts and Sciences operating as Center In The Square is requesting funding through the Transportation Enhancement Program in the amount of \$440,000 in federal funds, to be matched by \$88,000 in local matching funds for a total enhancement grant project cost of \$528,000. This will help pay off all or a portion of the loan utilized to complete the Roanoke Passenger Station.

PROJECT - Virginia Depot

APPLICANT – Roanoke Chapter of the National Railway Historical Society

Through The Roanoke Redevelopment & Housing Authority

Objective:

The Roanoke Redevelopment and Housing Authority is requesting Transportation Enhancement funds in the amount of \$990,530 to develop construction plans for restoration of the Virginian Railway Passenger Station and the adjacent property.

Project Overview:

The Virginian Railway passenger station is located at 1406 Williamson Road, S.E. in the City of Roanoke. The building needs to be revitalized because of its exposure to the elements. The roof needs to be replaced and new windows are required to protect the structural integrity of the building. The station is eligible for listing on the National Register of Historic Places because of its contribution to the railroad industry and its facilitation of passenger transport to and from Roanoke. This project will develop a master plan for the station and attached property and construction plans to include interior architectural work, inclusion of a greenway on the property, landscaping of the property, and mitigation of highway runoff. Upon completion, the building will be used as a museum and as a place to house and display the archives of the Roanoke Chapter of the National Railway Historical Society.

Grant Criteria Met:

This Project relates to 7 of the 12 Transportation Enhancements Funding Categories:

- 1. Bicycle and Pedestrian Facilities
- 2. Scenic Easements and Scenic or Historic Sites
- 3. Landscaping and Other Scenic Beautification
- 4. Historic Preservation;
- 5. Rehabilitation and Operation of Historic Transportation Buildings, Structures or Facilities;
- 6. Mitigation of Pollution Due to Highway Run-off and Wildlife Protection; and
- 7. Establish Transportation Museums

Cost:

The Roanoke Redevelopment and Housing Authority is requesting funding through the Transportation Enhancement Program in the amount of \$990,530 in federal funds, to be matched by \$295,360 in local matching funds for a total enhancement grant project cost of \$1,285,890. This will help fund the design and construction effort to restore the Virginian Railway Passenger Station.

Project Funding Summary

Project Applicant	Federal TEA-21 Funds Requested	Non-federal Total by Applicant (%) (20% Minimum)	Applicant's Proposed Source of Funds (Local Match)
Total Action Against Poverty (TAP)	\$ 300,000	\$ 75,000 (25%)	City of Roanoke Capital Maintenance & Equipment Replacement Program (\$500,000 total - \$100,000 per year over the next five years subject to certain conditions) & Other Local Contributions
Center in the Square	\$172,000	\$43,000 (25%	Norfolk Southern Foundation and other local contributions
Western Virginia Foundation for the Arts and Sciences	\$440,000	\$88,000 (20%)	City of Roanoke, Norfolk Southern Land Donation and other local contributions
Roanoke Redevelopment and Housing Authority	\$990,530	\$295,360 (30%)	Appraised land value, volunteer time and railroad exhibits



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION requesting that the Commonwealth Transportation Board establish an enhancement project for the renovation of the historic Hotel Dumas to create the Dumas Center for Artistic and Cultural Development.

WHEREAS, Total Action Against Poverty ("TAP") is requesting Transportation Enhancement funds in the amount of \$300,000.00 to support the renovation of the Historic Hotel Dumas to create the Dumas Center for Artistic and Cultural Development;

WHEREAS, the renovated historic center will open daily as a cultural tourism destination featuring the displays and programs of the Harrison Museum of African American Culture, performances by the Dumas Drama Guild, and music and drama performed by local, regional and national artists and groups in the 260 seat auditorium on the facility's second floor;

WHEREAS, the Dumas Center for Artistic and Cultural Development is strategically located to become an extension and enhancement of the tourism that is now concentrated in the vicinity of the Roanoke City Market and Hotel Roanoke; and

WHEREAS, City Council and the Metropolitan Planning Organization must endorse an application prior to submittal to the Virginia Department of Transportation ("the Department") by the applicant by July 1, 2003.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke that:

1. The City hereby endorses and requests that the Commonwealth Transportation Board establish a project for overall renovation and site work for the future Dumas Center for Artistic and

Cultural Development, such project being more particularly described in the City Manager's letter

dated June 16, 2003, to City Council.

2. Pursuant to the Transportation Equity Act for the 21st Century, the City hereby agrees

to pay a minimum of twenty percent (20%) of the total cost for planning and design, right-of-way

acquisition, and construction of this project, and that if the City subsequently elects to cancel this

project, the City hereby agrees to reimburse the Department for the total amount of the costs

expended by the Department through the date the Department is notified of such cancellation.

3. The City Manager and the City Clerk are hereby authorized on behalf of the City to

execute and attest, respectively, all necessary and appropriate agreements with the Department

providing for the programming of such project, such agreements to be in such form as is approved by

the City Attorney.

4. The City Manager and the City Clerk are hereby authorized on behalf of the City to

execute and attest respectively, a legally binding agreement with the project applicants, Total Action

Against Poverty, subject to their application being approved by the Department, requiring the

applicants to be fully responsible for its matching funds as well as all other obligations undertaken by

the City by virtue of the City/State Agreement, such agreement to be in such form as is approved by

the City Attorney.

5. The City Clerk is directed to forward a copy of this resolution to the appropriate

officials at the Commonwealth Transportation Board.

ATTEST:

City Clerk.



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION requesting that the Commonwealth Transportation Board establish an enhancement project to support the design and construction of the O. Winston Link Museum's open storage component, the refurbishment of authentic station benches, and the restoration and installation of N&W Passenger Station signs.

WHEREAS, the O. Winston Link Museum and Historical Society of Western Virginia are requesting Transportation Enhancement funds in the amount of \$172,000.00 to support the design and construction of the O. Winston Link Museum's open storage component, the refurbishment of authentic station benches, and the restoration and installation of N&W Passenger Station signs;

WHEREAS, the O. Winston Link Museum is located just off I-581, adjacent to the Hotel Roanoke, along the Lick Run Greenway, and within a five minute drive of the Roanoke Regional Airport, which location provides the ability to reach a diverse traveling public;

WHEREAS, the project will potentially foster a destination attraction and will preserve and provide a new economic function to an architecturally significant structure; and

WHEREAS, City Council and the Metropolitan Planning Organization must endorse an application prior to submittal to the Virginia Department of Transportation ("the Department") by the applicant by July 1, 2003.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke that:

1. The City hereby endorses and requests that the Commonwealth Transportation Board establish a project to support the design and construction of the O. Winston Link Museum's open storage component, the refurbishment of authentic station benches, and the restoration and

installation of N&W Passenger Station signs, such project being more particularly described in the

City Manager's letter dated June 16, 2003, to City Council.

2. Pursuant to the Transportation Equity Act for the 21st Century, the City hereby agrees

to pay a minimum of twenty percent (20%) of the total cost for the design and construction of the

museum's open storage component, the refurbishment of authentic station benches, and the

restoration and installation of N&W Passenger Station signs, and that if the City subsequently elects

to cancel this project, the City hereby agrees to reimburse the Department for the total amount of the

costs expended by the Department through the date the Department is notified of such cancellation.

3. The City Manager and the City Clerk are hereby authorized on behalf of the City to

execute and attest, respectively, all necessary and appropriate agreements with the Department

providing for the programming of such project, such agreements to be in such form as is approved by

the City Attorney.

4. The City Manager and the City Clerk are hereby authorized on behalf of the City to

execute and attest, respectively, a legally binding agreement with the project applicants, the O.

Winston Link Museum of the History Museum & Historical Society of Western Virginia, subject to

their application being approved by the Department, requiring the applicants to be fully responsible

for its matching funds as well as all other obligations undertaken by the City by virtue of the

City/State Agreement, such agreement to be in such form as is approved by the City Attorney.

5. The City Clerk is directed to forward a copy of this resolution to the appropriate

officials at the Commonwealth Transportation Board.

ATTEST:

City Clerk.



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION requesting that the Commonwealth Transportation Board establish an enhancement project to reduce the debt service incurred to complete the renovation of the Roanoke Passenger Station.

WHEREAS, the Western Virginia Foundation for the Arts and Sciences ("WVFAS") operating as Center In The Square is requesting Transportation Enhancement funds in the amount of \$444,000.00 to reduce the debt service incurred to complete the renovation of the Roanoke Passenger Station:

WHEREAS, the Roanoke Passenger Station Project is an ongoing project to renovate the historic passenger station, which project has received enhancement funds previously and which began construction with a scheduled completion date of September 1, 2003;

WHEREAS, the project has received funds from previous enhancement funds, TEA-21 High Priority Funds, the City of Roanoke, and various private and corporate donations;

WHEREAS, this additional funding will ease an extreme hardship on the non-profit sponsor, WVFAS, that has recently lost operating funds as a result of cuts in State funding; and

WHEREAS, City Council and the Metropolitan Planning Organization must endorse an application prior to submittal to the Virginia Department of Transportation ("the Department") by the applicant by July 1, 2003.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke that:

1. The City hereby endorses and requests that the Commonwealth Transportation Board establish a project to reduce the debt service incurred to complete the renovation of the Roanoke

Passenger Station, such project being more particularly described in the City Manager's letter dated

June 16, 2003, to City Council.

Pursuant to the Transportation Equity Act for the 21st Century, the City hereby agrees

to pay a minimum of twenty percent (20%) of the total amount of costs associated to reduce the debt

service incurred to complete the renovation of the Roanoke Passenger Station, and that if the City

subsequently elects to cancel this project, the City hereby agrees to reimburse the Department for the

total amount of the costs expended by the Department through the date the Department is notified of

such cancellation.

2.

3. The City Manager and the City Clerk are hereby authorized on behalf of the City to

execute and attest, respectively, all necessary and appropriate agreements with the Department

providing for the programming of such project, such agreements to be in such form as is approved by

the City Attorney.

4. The City Manager and the City Clerk are hereby authorized on behalf of the City to

execute and attest, respectively, a legally binding agreement with the project applicant, the WVFAS,

subject to the application being approved by the Department, requiring the applicant to be fully

responsible for its matching funds as well as all other obligations undertaken by the City by virtue of

the City/State Agreement, such agreement to be in such form as is approved by the City Attorney.

5. The City Clerk is directed to forward a copy of this resolution to the appropriate

officials at the Commonwealth Transportation Board.

ATTEST:

City Clerk.



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION requesting that the Commonwealth Transportation Board establish an enhancement project to develop construction plans for restoration of the Virginian Railway Passenger Station and the adjacent property.

WHEREAS, the Roanoke Redevelopment and Housing Authority ("RRHA") is requesting Transportation Enhancement funds in the amount of \$990,530.00 to develop construction plans for restoration of the Virginian Railway Passenger Station, located at 1406 Williamson Road, S.E., and the adjacent property, in the City of Roanoke;

WHEREAS, the Virginian Railway Passenger Station needs to be revitalized because of its exposure to the elements;

WHEREAS, the station is eligible for listing on the National Register of Historic Places because of its contribution to the railroad industry and its facilitation of passenger transport to and from Roanoke;

WHEREAS, this project will consist of developing a master plan for the station and adjacent property, creating construction plans for interior architectural work and exterior work, creating a greenway on the property, landscaping the property, and mitigating highway runoff;

WHEREAS, upon completion, the Virginian Railway Passenger Station will be used as a museum and as a place to house and display the archives of the Roanoke Chapter of the National Railway Historical Society; and

WHEREAS, City Council and the Metropolitan Planning Organization must endorse an application prior to submittal to the Virginia Department of Transportation ("the Department") by

the applicant by July 1, 2003.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke that:

- 1. The City hereby endorses and requests that the Commonwealth Transportation Board establish a project to develop construction plans for restoration of the Virginian Railway Passenger Station and the adjacent property, such project being more particularly described in the City Manager's letter dated June 16, 2003, to City Council.
- 2. Pursuant to the Transportation Equity Act for the 21st Century, the City hereby agrees to pay a minimum of twenty percent (20%) of the total amount of costs associated to develop construction plans for restoration of the Virginia Railway Passenger Station and the adjacent property, and that if the City subsequently elects to cancel this project, the City hereby agrees to reimburse the Department for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.
- 3. The City Manager and the City Clerk are hereby authorized on behalf of the City to execute and attest, respectively, all necessary and appropriate agreements with the Department providing for the programming of such project, such agreements to be in such form as is approved by the City Attorney.
- 4. The City Manager and the City Clerk are hereby authorized on behalf of the City to execute and attest, respectively, a legally binding agreement with the project applicant, the RRHA, subject to the application being approved by the Department, requiring the applicant to be fully responsible for its matching funds as well as all other obligations undertaken by the City by virtue of the City/State Agreement, such agreement to be in such form as is approved by the City Attorney.

5.	The City Clerk is directed to forward a copy of this resolution to the appropriate e Commonwealth Transportation Board.
Officials at the	ATTEST:
	City Clerk.



JESSE A. HALL Director of Finance email: jesse_hall@ci.roanoke.va.us

CITY OF ROANOKE DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461 P.O. Box 1220 Roanoke, Virginia 24006-1220 Telephone: (540) 853-2821 Fax: (540) 853-6142

ANN H. SHAWVER

Deputy Director email: ann_shawver@ci.roanoke.va.us

June 16, 2003

The Honorable Ralph K. Smith, Mayor

The Honorable Nelson C. Harris, Vice-Mayor

The Honorable William D. Bestpitch, Council Member

The Honorable M. Rupert Cutler, Council Member

The Honorable Alfred T. Dowe, Jr., Council Member

The Honorable Beverly T. Fitzpatrick, Jr., Council Member

The Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject:

Authorization of Issuance of Debt - Civic Center Phase II

Improvements, Patrick Henry High School

Background:

Civic Center Phase II Improvements:

The City's Capital Improvement Program includes a project for Civic Center Improvements – Phase II. This project, currently under design, includes construction of a new exhibit hall, a new kitchen, new locker/training facilities, storage rooms and other renovations to existing buildings and is budgeted at nearly \$15 million. Funding for this project will be provided by the issuance of \$14.3 million of Series 2003 general obligation public improvement bonds as well as CMERP (capital maintenance equipment replacement program) funding and retained earnings of the Civic Facilities Fund. City Council adopted a resolution of intent on November 19, 2001, for the City to reimburse itself from the proceeds of general obligation bonds to be issued for this project.

In order to proceed with planning associated with the fall issuance of bonds related to this project, approval of the bond issuance is needed.

Patrick Henry High School Improvements:

On May 8, 2003, City Council was briefed by the Assistant Superintendent for Operations regarding the project scope and timeframe for the Patrick Henry High School project. The project plan includes the replacement of all present buildings, except Gibboney Hall, which will house the library, fine arts, cafeteria, and gym under

Honorable Mayor and Members of Council June 16, 2003 Page 2

one roof, and a new athletic field and track. The high school construction is scheduled to begin in June 2004 with the new buildings to be completed in December 2005 and the fields and grounds construction to be completed in June 2006.

The Patrick Henry High School project has a total budget of \$38 million to be shared by the City and the Schools. The City's share of \$19 million is to be funded by the Series 2005 General Obligation Bonds. A Literary Loan of \$7.5 million and a Virginia Public School Authority Bond of \$11.5 million are planned to fund the School's share. The budget includes architectural and engineering fees of \$2.75 million, construction costs of \$32.25 million and furniture and equipment costs of \$3 million. At its June 10, 2003 meeting, the School Board adopted a resolution authorizing issuance of \$38 million to fund public school capital improvements.

From the total budget for the Patrick Henry High School renovation, funding of approximately \$2.2 million will be required between now and June 2004 to cover architectural and engineering expenses related to this project. The City's share of this cost, \$1.1 million, will be provided through the issuance of the Series 2005 General Obligation Bonds. Such funding may be appropriated at this time in anticipation of issuance of the bonds to provide for architectural and engineering needs through June 2004.

Recommendation:

City Council hold a public hearing regarding the issuance of \$52.3 million general obligation public improvement bonds to fund the Phase II Civic Center Improvements and public school capital improvements.

Following the public hearing, City Council adopt a resolution to authorize issuance of \$52.3 million in general obligation bonds. This resolution will also authorize the Director of Finance and the City Manager to award the winning bid and to affix the interest rates to be borne by the bonds. Additionally, this resolution includes language which declares the City's intent to reimburse itself from the issuance of the bond proceeds authorized by this resolution.

City Council appropriate \$1.1 million of Series 2005 bond funds to account 031-065-6066-6896-9137 for architectural and engineering fees related to the Patrick Henry High School project.

Respectfully submitted,

Darlene L. Burcham

City Manager

Jem A. Hall Jesse A. Hall

Director of Finance

Honorable Mayor and Members of Council June 16, 2003 Page 3

DLB/JAH/tcl

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
E. Wayne Harris, Superintendent of City Schools
Ann H. Shawver, Deputy Director of Finance
Barry L. Key, Director of Management and Budget
Wilhemina Boyd, Director of Civic Facilities



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 School Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 School Capital Projects Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Education			\$ 23,517,418
Public Improvement Bor	nds Series 2005 (1)		(1,100,000)
Patrick Henry High Scho	ool Project (2)		1,100,000
	, ,		
1) Schools	(031-060-9707-6896-9182)	\$ (1,100,000)	
Appropriated from			
Future Bond Issue	(031-065-6066-6896-9137)	1,100,000	

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

Resolution not available for scanning.



405 Campbell Avenue, SW • Roanoke, VA 24011 • (540) 344-8850 • Fax (540) 342-0998 www.spanky-s.com

Grounds for appeal

the dust to dawn lights that were on the property had been there for over 10 years and at one time or another they had to be approved.

There are numerous sites in old Sw that have the Dust to dawn lights and there should be no discrimation for the use of these lights from one owner to another.

It was requested that they be taken down. On several occasions I asked what would be appropriate and was not told anything.

However, at one point. I was told by the ARB that what could be approved was spot lights. The lights needed to be put under the soffitt. We did this however, could not be put under the soffitt due to the height and the effect of the lights.

This property was burned out and there are issues in the area. A retired home needing security.

I asked the ARB for an approved list or types of lights that could be put on the property however this list of examples was not given to me.

There are lights, spots all over the ARB designated area, including city buildings on the market.

However, this was not approved for some unknown reason. This is an act of discrimination.

I hope that this is approved.

RHM

IN T	THE MATTER OF)
Л	1 Achee Properties)
Zon: (197	This is a Petition for Appeal from a decision of the hitectural Review Board under Section 36.1-642(d) of the ing Ordinance of the Code of the City of Roanoke 79), as amended.
1.	Name of the Petitioner(s): Ro LAND H. Machel
2.	Doing business as (if applicable): MAcher Properties.
3.	Street address of property which is the subject of this appeal:
4.	Overlay zoning (H-1, Historic District or H-2, Neighborhood Preservation District) of property or properties which is the subject of this appeal: H-1 historic Pinact
5.	Date the hearing before the Architectural Review Board was held at which the decision being appealed was made:
6.	Section of the Code of the City of Roanoke under which the Certificate of Appropriateness was requested from the Architectural Review Board (Section 36.1-327, if H-1, or Section 36.1-345, if H-2):
7.	Description of the request for which the Certificate of Appropriateness was sought from the Architectural Review Board: Defails to be Paovised by
	ROLAND H. MACACR
	or full with cty
8.	Grounds for appeal:
	Details to be provises by
	ROLAND H. MACHOL

-	ouncil:	ROLAND HOS. N	tt. MARL		S.W.
		Rennike		4016	
	· · · · · · · · · · · · · · · · · · ·	540-	844 - 8850		
of th	WHEREFORE, e Architect hat a Certi	ural Revie	w Board be	reverse	that the aced or modifice granted.
Signa (If n	ture of Own	er(s) er(s)):	or, wh	re of F here app sentativ	Petitioner(s plicable, re(s):
Name:	A Mai	sher.	Name:		
Name.	(Print or	Type)	Name	(Print	or Type)
Name:			Name:_		
	(Print or	Type)		(Print	or Type)

Request for Certificate of Appropriateness ① Date of Application:_ (2) Property address:_ ③ Property owner Department of Name: Planning Building and Development Room 166 Municipal Building Address: 215 Church Avenue, SW Rosnoke, VA 24014 Phone: (540) 853-1730 (540) 853-1230 Phone: ARB Contact Representative (contractor or agent): Anne Beckett, City Planner II (540) 853-1522 Name: Address: Phone: (5) Description of Work: Include details of construction, dimensions, and the materials that will be used. Attach supporting information to the application (e.g. scaled drawing, photographs, and samples). (bezitagey) renwo Section below to be completed by staff Approval By: ARB Agent Tax Parcel Number: Zoning District: ___ Approved: Overlay district: | H1 □ H2 Date: _ Other approvals needed: Agent, Architectural Review Board Zoning Permit ☐ Building Permit Certificate Number; Other ____

Roanoke Architectural Review Board



SPANKY'S

Operations & Development
405 Campbell Avenue, SW • Roanoke, VA 24016 • (540) 344-8850 • Fax (540) 342-0998

www.spanky-s.com

Members of the ARB

Attached are photos that I took in and around old SW that you should review.

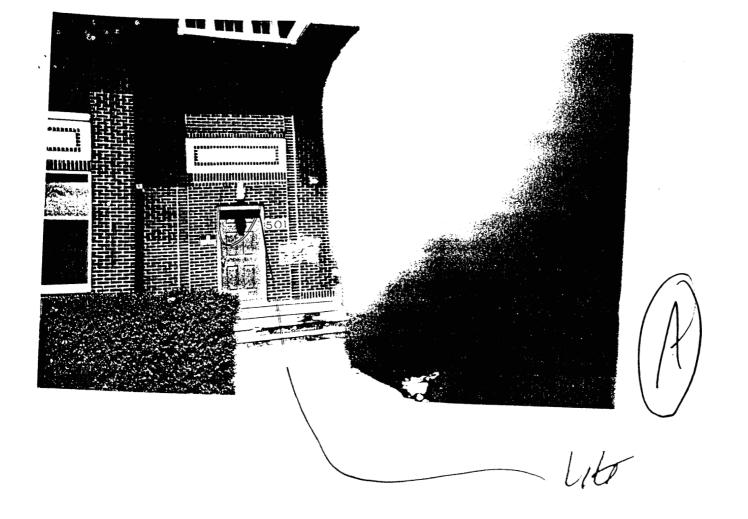
A Are all the illegal lights that, I indeed have been singled out for. If it is felt that I should changed my lights that have been there for over 14 years. Than action letters and legal acts should be put in place for all the other lights that are illegal. Including the power company who puts dust to dawn lights.

IT COULD BE TAKEN THAT A LEVEL OF DISCRIMINATION IS TAKING PLACE.

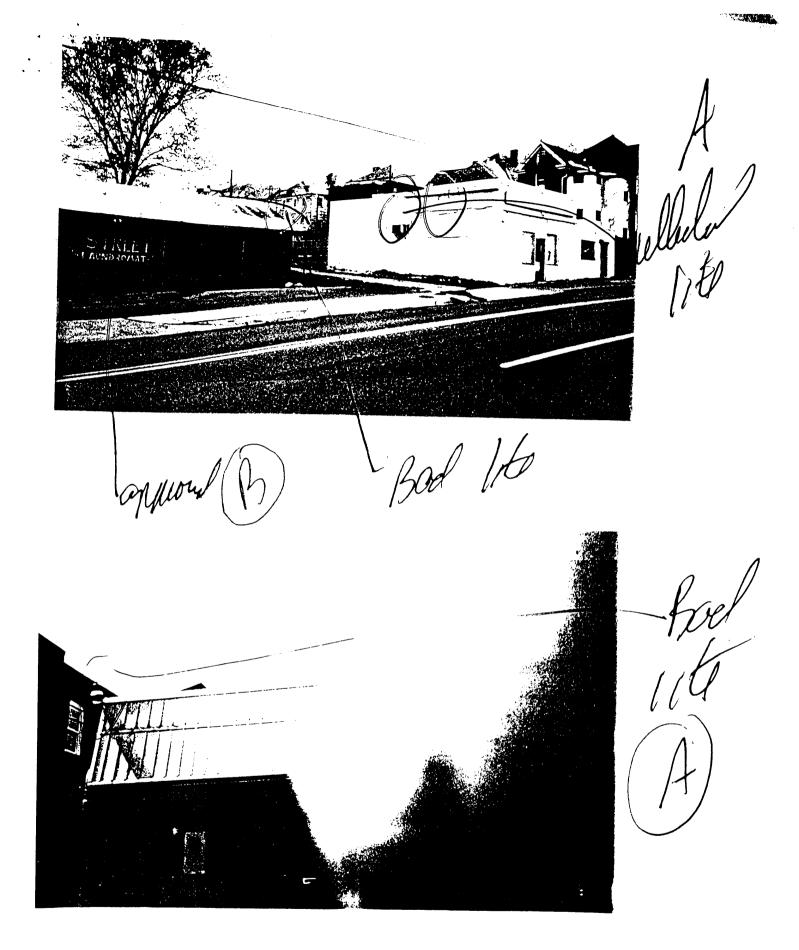
- B Lights that are proposed for the house. There are lights like this around old SW. Verbally proposed to the ARB
- C Actual lights replaced the dust to dawn.
- D. Painting of houses in old SW. These colors do not seem to be replica of the time period of these homes.













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B.1.(b)

E E E E

CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166 Roanoke, Virginia 24011 Telephone: (540) 853-1730 Fax: (540) 853-1230 E-mail: planning@ci.roanoke.va.us

June 16, 2003

Architectural Review Board Board of Zoning Appeals Planning Commission

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject:

Macher Properties Appeal of

Architectural Review Board Decision

518 Mountain Avenue, S.W.

Background:

Mr. Roland Macher applied for a Certificate of Appropriateness on July 28, 2002, for exterior improvements to his property at 518 Mountain Avenue, S.W. The two-story frame dwelling had sustained fire damage and he proposed to construct a front porch and replace the windows and doors.

On August 8, 2002, the Architectural Review Board (ARB) considered the request. Board members expressed concern that the proposal lacked sufficient detail and needed more work. Mr. Macher agreed to have the matter tabled until the September 12, 2002, meeting. Board members also expressed concern about two dusk-to-dawn lights on the front of the house. Mr. Macher agreed to remove the lights as part of his application.

At its September 12, 2002, meeting, the ARB approved an amended application to construct the front porch. Prior to this meeting, Mr. Macher had removed the dusk-to-dawn lights.

Once the work on the front porch was completed, Mr. Macher reinstalled the two dusk-to-dawn lights. Ms. Anne Beckett, ARB Agent, advised Mr. Macher that the lights were installed without a Certificate of Appropriateness (an electrical permit was not required). She advised that the lights would need to be removed and provided recommendations for light fixture designs that would be more appropriate.

On March 27, 2003, Mr. Macher submitted an application for a Certificate of Appropriateness for the two new motion detector floodlights that he had installed as replacements for the two dusk-to-dawn lights. The matter was scheduled for April 10, 2003, ARB agenda. Mr. Macher was not present for the ARB meeting. The ARB considered his application and the motion to approve the request failed by a 0-6 vote because the floodlights are not consistent with the H-2 Architectural Design Guidelines (see minutes: Attachment A).

Considerations:

The Architectural Design Guidelines adopted by the ARB and endorsed by City Council state that historic light fixtures are an important part of a building's architectural character and that excessive light intensity and glare detract from the residential character of the H-2 district. The guidelines recommend the following considerations when installing new lighting:

- Choose a compatible light fixture from a commercial manufacturer if a suitable replacement cannot be found. Unless a design is specifically appropriate for your building, choose a light fixture that is simple and unobtrusive.
- Limit the exterior lighting of residential buildings to that necessary for convenience and safety. In most instances, traditional porch lighting is adequate.
- Install security lighting at the perimeter of the house or garage only when necessary. Limit motion-sensitive and dusk-to-dawn security lighting to areas not visible from the street frontage. Use only low-voltage lights close to the house to avoid harsh shadows.

The ARB determined that the proposed lights were not consistent with these design guidelines and the request was denied. Mr. Macher was notified of the denial and of his right to appeal to City Council by letter dated April 11, 2003.

Mr. Macher filed an appeal of the Architectural Review Board's decision on May 12, 2003 (Attachment B). Because the end of the 30-day appeal period fell on a Saturday, the appeal was accepted 32 days after the decision.

Recommendation:

The Architectural Review Board recommends that City Council affirm the ARB's decision to deny the issuance of a Certificate of Appropriateness.

Sincerely,

Robert N. Richert, Chairman Architectural Review Board

cc: Darlene L. Burcham, City Manager William M. Hackworth, City Attorney

Steven J. Talevi, Assistant City Attorney

R. Brian Townsend, Director, Planning Building and Development

Anne S. Beckett, Agent, Architectural Review Board



SPANISH S

405 Campbell Avenue, SW • Roanoke, VA 24011 • (540) 344-8850 • Fax (540) 342-0998 www.spanky-s.com

Grounds for appeal

the dust to dawn lights that were on the property had been there for over 10 years and at one time or another they had to be approved.

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It was requested that they be taken down. On several occasions I asked what would be appropriate and was not told anything.

However, at one point. I was told by the ARB that what could be approved was spot lights. The lights needed to be put under the soffitt. We did this however, could not be put under the soffitt due to the height and the effect of the lights.

This property was burned out and there are issues in the area. A retired home needing security.

I asked the ARB for an approved list or types of lights that could be put on the property however this list of examples was not given to me.

There are lights, spots all over the ARB designated area, including city buildings on the market.

However, this was not approved for some unknown reason. This is an act of discrimination.

I hope that this is approved.

RHM

City of Roanoke Architectural Review Board Page 3 August 8, 2002

Anne Beckett gave the staff report. She said that staff felt the sign material and location were correct, however, the guidelines called for limiting the number of signs for each upper-story business to two of the following sign types: one directory or hanging sign adjacent to the upper-floor entry; one painted window sign in an upper-story window. She said the building would allow four tenants upstairs and a directory may be necessary. She said the concern was that if you allowed this sign for a single tenant, there would be no room for a sign for the other tenants. Ms. Beckett further noted that vinyl lettering would be allowed on the glass door front.

Mr. Richert commented on the potential for clutter with four, upper-story tenants and asked if there had been any conversation with the owner about the possible needs of the other tenants.

Mr. Kinsey said he had attempted to get the information from the building owner, however, he lived out of town and he had not been able to find out anything.

Mr. Richert asked for comments from the audience. There were none.

He then asked for further Board comments.

Mr. Harwood said that the building owner seemed to be painting himself into a corner. He said that the projecting sign should identify the main building and that a directory should be applied to the door or be a wall plaque. He said the owner might want to be apprised of the situation that is coming when another tenant moves in.

Mr. Rider said that he did not have a problem with other suggestions, but he needed to identify where he was.

Mr. Richert said that the Board usually suggested that applicants request a continuance rather than call for a vote and risk denial. He said that the request could be continued on the presumption that Mr. Rider and Mr. Kinsey would talk with the owner and explain the problem. He said that if the applicant did not object, the matter would be tabled until next month to see if something could be worked out.

Mr/Rider said he had no problem with that.

Motion was made by Mr. Manetta, seconded by Mr. Schlueter and approved 4-0-1, to table the matter until the Board's September meeting.

4. Request from Roland Macher, represented by John Brown, for a Certificate of Appropriateness approving exterior modifications to the structure at 518 Mountain Avenue, S.W.

City of Roanoke Architectural Review Board Page 4

August 8, 2002

Mr. Macher appeared before the Board and stated that the structure had suffered extensive fire damage on the left side about three weeks ago and he needed to replace the decks. He said he had worked with staff and felt he had a plan the Board would like.

Mr. Richert asked if Mr. Macher was only bringing forward the modifications to the front of the building.

Mr. Macher said he was bringing forward the porches on the front. He said that the plan was to paint the porches to match the trim of the house.

Mr. Talevi questioned which drawings the Board was being asked to act upon. He said that drawings had been attached to the application and other drawings had been submitted to the Board at the meeting.

Mr. Macher said that the new drawings submitted at the meeting were the ones that the Board was being asked to act upon.

In looking at the drawings, Mr. Richert stated that the railing on both floors was to be solid all the way across.

Mr. Macher said he understood that. In response to a comment about flooring, he said that the tongue and groove flooring would be installed and painted.

Mr. Richert commented on the lack of steps down the side for the first floor porch and questioned whether the door was inside the doorway on the right.

Mr. Macher said that it was.

Mr. Richert also commented on the lack of roof on the second floor porch, the difficulty in constructing a roof, and the potential maintenance issues.

Mr. Macher said he did not mind coming back with a roof at a later time.

Mr. Harwood asked Mr. Macher if he was sold on having a second floor deck.

Mr. Macher explained that the house contained four units and the upstairs housed a large apartment. He said that staff had recommended the deck be kept inside the trim.

Mr. Harwood said that if a second floor porch was desired, he would suggest a roof, but also suggested a new type of synthetic tongue and groove material.

Mr. Richert said that it appeared to him that the proposal needed a little more work. He suggested consultation with one of the Board's architects for suggestions on the

porches. He said that the Board wanted to work toward improvement, which would take

City of Roanoke Architectural Review Board Page 5 August 8, 2002

some professional contribution. Mr. Richert also commented on the dusk-to-dawn lights, which he said were not acceptable and needed to be replaced with something else. He suggested Mr. Macher come back with more details.

Mr. Macher said he did not mind tabling the matter and coming back in September.

Mr. Manetta suggested that there had originally been a porch across the front of the structure and said it would be a good improvement to the rest of the street if a traditional porch was put back on the front of the building.

Mr. Manetta moved to table the matter until September. The motion was seconded by Mr. Prescott and approved 5-0.

5. Request from Gonzalo and Emma Lee Gouffray for a Certificate of Appropriateness approving application of vinyl siding at 376 Albemarle Avenue, S.W.

Mrs. Gouffray appeared before the Board and said the design of the house was from 1893 and questioned whether the building was historically significant in this neighborhood or any other neighborhood or was it just a 110-year-old building with some interesting details. She said that she and her husband had owned the building for 21 years and had invested between \$40,000 and \$50,000 in it. Mrs. Gouffray said that the building had been covered in stucco in the 1930s or 40s and the question had arisen as to whether it had been covered because it was deteriorating or because it could not be maintained. Mrs. Gouffray said that the stucco had been removed and she did not find the elements to be attractive. She said that she and her husband compared the structure to "an old lady with wrinkles." She said there were many alternatives that could be considered but few within their financial means. She said she would like the Board's support in letting them clad the entire building with vinyl, including those elements that others find architecturally important. She said that she was not suggesting the elements be removed, just covered.

Mr. Richert said that when the Gouffrays had appeared before the Board last month, the Board had approved the removal of the stucco. He asked for an explanation of why they had proceeded to apply the siding.

Mrs. Gouffray said that there were big holes in the clapboard and it had been raining.

Mr. Manetta questioned the work being done without a building permit and Mr. Chittum advised that no building permit was required for siding or roof replacement. Mr. Manetta voiced his concern and said that should be changed. Mr. Talevi advised that could not be changed by legislation and the Board should consider the Certificate of Appropriateness issue.

Mr. Manetta asked Mrs. Gouffray if the contractor had proceeded without permission.

City of Roanoke Architectural Review Board

Page 2

September 12, 2002

There being none, he asked for all those in favor of the revised application. The request was approved by a vote of 4-0.

3. Request from Sands Woody, represented by Bob Kinsey Enterprises, for a Certificate of Appropriateness approving a projecting sign at 311 Market Street, S.E.

Mr. Richert advised that the applicant had requested a continuance.

4. Request from Roland Macher, represented by John Brown, for a Certificate of Appropriateness approving exterior modifications to the structure at 518 Mountain Avenue, S.W.

Mr. Macher appeared before the Board. He commented that he was having wood milled, while the previous applicant was being allowed to install vinyl.

Mr. Macher said he had had an architect look at his porch and he had decided not to put a roof on the porch. He said that at the last minute, someone told him there had been a wraparound porch on the structure and now he wanted a wraparound on the lower porch. He said that tongue and groove flooring would be placed on the concrete. He also said he had found a door that matched the lower door.

Mr. Richert thanked Mr. Macher for removing the dusk-to-dawn light.

Mr. Schlueter asked if the roof over the porch in the front was going to remain.

Mr. Macher responded that it would stay. He also said he would be installing newel posts.

Ms. Beckett said she recommended approval.

Mr. Marwood Harris (Washington Avenue) appeared before the Board and said there was at least one other identical property in the area with a second floor roof porch.

Mr. Richert asked for further comments.

Ms. Blanton asked if anything being done would preclude replacing the shed roof porch.

Ms. Beckett said it would not.

Mr. Richert said that there were porches like that in the neighborhood on more substantial houses. He also noted that the applicant had submitted an amended diagram which called for a motion.

Mr. Manetta moved to approve the request as amended. The motion was seconded by Ms. Blanton and approved 4-0.

City of Roanoke Architectural Review Board Page 6 April 10, 2003

Mr. Prescott said that he did not think the Board should focus on this building as if it were a contributing structure. He said that this structure was a replacement of a contributing structure.

There being no further discussion, the matter was continued until next month.

5. Request from Ten East Church, LLC, represented by David Bandy, for a

Certificate of Appropriateness approving exterior modifications to the structure at

10 Church Avenue, S.E.

Mr. Richert advised that the Board had a problem with applications that were incomplete when submitted on the cut-off date. He said that incomplete submittals did not give the Board time for review and he advised that in the future, those submitting incomplete applications would find it difficult to get on the agenda.

Mr. Bandy appeared before the Board and stated that he had a potential client who would be renting space in their building, but had additional window and entrance needs. Mr. Bandy discussed the elevation alterations to the 10 East Church Avenue building. He talked about the Century Plaza elevation and the location of the door and windows. He also discussed the butt glazed entry system as well as the size of the double hung aluminum clad wood window details. He noted the type of window proposed matched the existing; however, he added that there would be a shorter window necessitated by the existing trellis system. Mr. Bandy said that the front of the building was currently leased to a barber shop, which would not be accessible to the new tenants. Mr. Bandy asked for questions.

Mr. Harwood said he thought the plans we're in keeping with the original concept.

Mr. Richert asked for questions.

Mr. Chris Chittum asked for clarification on whether a sunshield would be needed over the new entrance.

Mr. Bandy responded he did not know that yet.

There being no further discussion, Mr. Richert asked for everyone in favor of the request to vote by saying aye. The request was approved 6-0.

6. Request from Roland Macher for a Certificate of Appropriateness approving installation of motion detectors at 518 Mountain Avenue, S.W.

Mr. Macher was not in attendance to present the request.

Mr. Richert said that the request was more of a compliance issue. He said that the flood lights with motion detectors had already been installed and in his opinion were

City of Roanoke Architectural Review Board Page 7 April 10, 2003

unacceptable. He said that it was his understanding that the Certificate of Appropriateness issued in August, 2002, approved the removal of the lights and conduits and he suggested staff proceed with having that happen.

Mr. Manetta asked Mr. Richert if he intended to have the Board vote on the request.

Mr. Richert said that he did. He said the request was inconsistent. He asked for all those in favor of the request to vote by saying aye. There were no votes in favor of the request. He asked for all those opposed. Everyone voted in opposition. Mr. Talevi asked for a roll call vote. The following vote was taken:

Mrs. Blanton – no Mr. Harwood – no Mr. Manetta – no Mr. Prescott – no Mr. Schlueter – no Mr. Richert – no

The request was denied.

There being no further discussion, the meeting adjourned at 5:14 p.m.

IN	THE MATTER OF)
	MAChee Proposition for Appeal
Zon	This is a Petition for Appeal from a decision of the hitectural Review Board under Section 36.1-642(d) of the ing Ordinance of the Code of the City of Roanoke 79), as amended.
1.	Name of the Petitioner(s): ROLAND H. MACKET
2.	Doing business as (if applicable): MACher Properties.
3.	Street address of property which is the subject of this appeal:
4.	Overlay zoning (H-1, Historic District or H-2, Neighborhood Preservation District) of property or properties which is the subject of this appeal:
5.	Date the hearing before the Architectural Review Board was held at which the decision being appealed was made:
6.	Section of the Code of the City of Roanoke under which the Certificate of Appropriateness was requested from the Architectural Review Board (Section 36.1-327, if H-1, or Section 36.1-345, if H-2): TO be Rounded.
7.	Description of the request for which the Certificate of Appropriateness was sought from the Architectural Review Board: Defails to be Provided by
	ROLAND H. MACHER
	- The winds
8.	Grounds for appeal:
	Details to be province by
	ROLAND H. MACKE

		405 N	H. MACK		S.W.
		RIANIK SIA-	844 - 8850	4016	
of the A	rchitect	ural Revie	ioner(s) re w Board be Appropriate	reversed	that the act d or modifie granted.
Signatur (If not	e of Own Petition	er(s)	or, wh	re of Pe ere appl entative	
Name: _/s	Print or	Mchel Type)	Name:	(Print	or Type)
Name:(Print or	Type)	Name:	(Print	or Type)
TO BE CO	MPLETED :	BY CITY CL	ERK:		

Request for Certificate of Appropriateness ① Date of Application: 518 (3) Property owner: Department of Planning Building and Development? Name: Room 166 Municipal Building Address: 215 Church Avenue, SW Rosnoke, VA 24011 Phone: (540) 853-1730 (540) 853-1230 Phone: ARB Contact Representative (contractor or agent): Anne Beckett, City Plahner II (540) 853-1522 Name: Address: Phone: **5** Description of Work: Include details of construction, dimensions, and the materials that will be used. Attach supporting information to the application (e.g. scaled drawing, photographs, and samples). 6 Signature of owner (required) Section below to be completed by staff Approval By: ARB Agent Tax Percel Number: Approved: Zoning District: ☐ H2 Overlay district: H1 Date: __ Other approvals needed: Agent, Architectural Review Board Zoning Permit ☐ Building Permit Certificate Number; Other _

Roanoke Architectural Review Board



SPANKY'S

Operations & Development
405 Campbell Avenue, SW • Roanoke, VA 24016 • (540) 344-8850 • Fax (540) 342-0998

www.spanky-s.com

Members of the ARB

Attached are photos that I took in and around old SW that you should review.

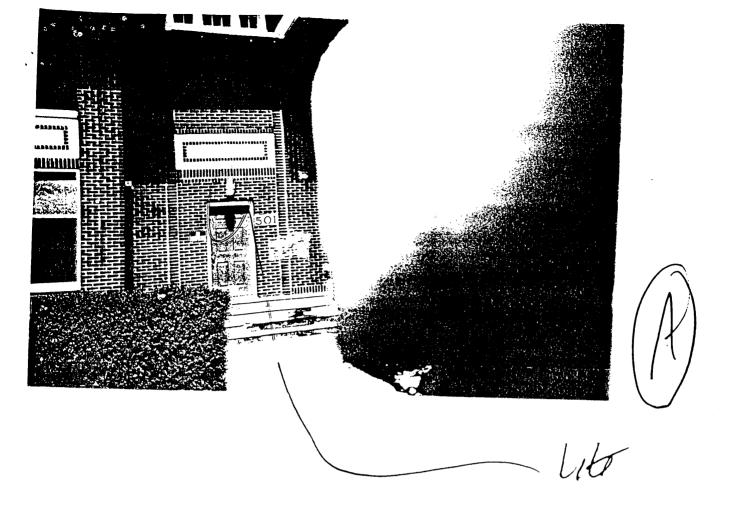
A Are all the illegal lights that, I indeed have been singled out for. If it is felt that I should changed my lights that have been there for over 14 years. Than action letters and legal acts should be put in place for all the other lights that are illegal. Including the power company who puts dust to dawn lights.

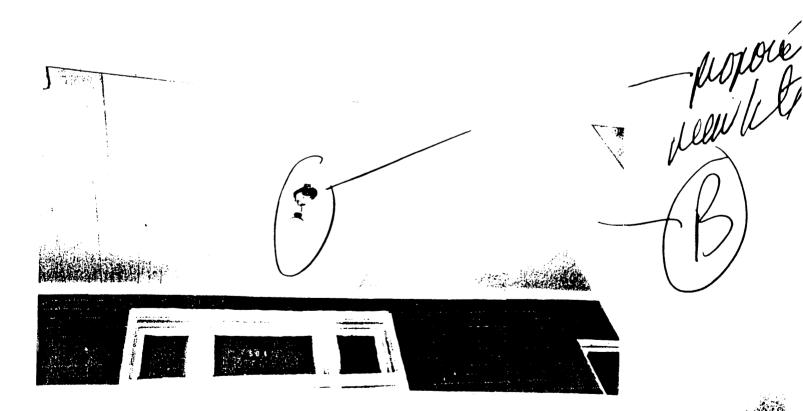
IT COULD BE TAKEN THAT A LEVEL OF DISCRIMINATION IS TAKING PLACE.

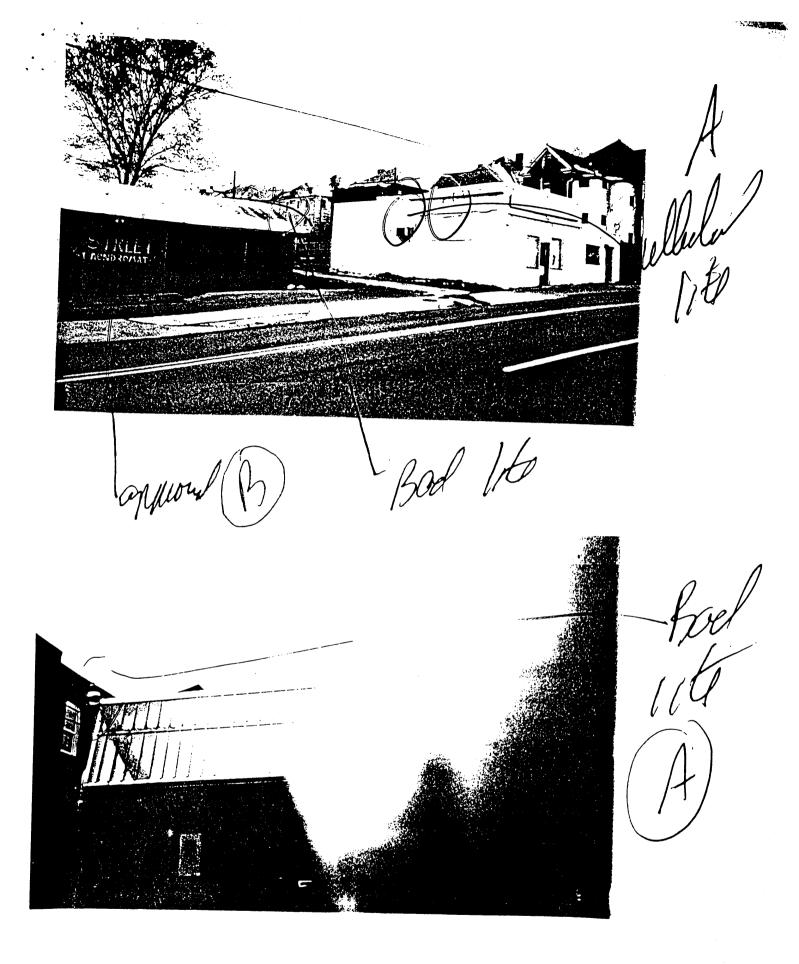
- B Lights that are proposed for the house. There are lights like this around old SW. Verbally proposed to the ARB
- C Actual lights replaced the dust to dawn.
- D. Painting of houses in old SW. These colors do not seem to be replica of the time period of these homes.













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VIRGINIA;

IN THE COUNCIL OF THE CITY OF ROANOKE

IN T	THE MATTER OF) PETITION FOR APPEAL)		
	This is a Petition for Appeal from a decision of the Architectural Review rd under Section 36.1-642(d) of the Zoning Ordinance of the Code of the City coanoke (1979), as amended.		
1.	Name of Petitioner(s): H & W Properties LLC		
2.	Doing business as (if applicable): (Same)		
3.	Street address of property which is the subject of this appeal:		
4.	Overlay zoning (H-1, Historic District, or H-2, Neighborhood Preservation District) of property(ies) which is the subject of this appeal: $\frac{H-2}{}$		
5.	Date the hearing before the Architectural Review Board was held at which the decision being appealed was made: May 8, 2003		
6.	Section of the Code of the City of Roanoke under which the Certificate of Appropriateness was requested from the Architectural Review Board (Section 36.1-327 if H-1 or Section 36.1-345 if H-2): 36.1-345		
7.	Description of the request for which the Certificate of Appropriateness was sought from the Architectural Review Board: Installation of vinyl siding and corner boards		
8.	Grounds for appeal: Sec 36.1-345 does not require a certificate of appropriatemess as long as the materials are of the		
9.	same design. The original request to the ARB was modified to incorporate the use of the same design materials per page 8 of the hearing minutes. Name, title, address and telephone number of person(s) who will		
	represent the Petitioner(s) before City Council: John R. Patterson, Attorney, First Union Building 213 South Jefferson Street Suite 900 Roanoke VA 24011 342-5157		

WHEREFORE, your Petitioner(s) requests that the action of the Architectural Review Board be reversed or modified and that a Certificate of Appropriateness be granted.

Signature of Owner(s) (If not Petitioner):	Signature of Petitioner(s) or representative(s), where applicable:		
Name: (print or type)	Dana A. Walker Name: H & W Properties, LLC (print or type) General Manager		
Name:(print or type)	Name:(print or type)		
TO BE COMPLETED BY CITY CLERK:			
Received by: / Aug. 9. Par	hn Date: 06-04-03		

Sec. 36.1-345. District regulations; certificate of appropriateness.

- (a) In order to encourage the preservation and enhancement of the district and encourage the rehabilitation and new construction in conformance with the existing scale and character of the district, the architectural review board shall review and approve the erection of new buildings or structures, including signs, the demolition, moving, reconstruction, alteration or restoration, of existing structures and buildings, or reduction in their floor area, including the enclosure or removal of a porch. No such erection, demolition, moving, reconstruction, alteration, restoration, or enlargement or reduction of a structure, or building, shall be undertaken without the issuance of a certificate of appropriateness by the board, unless otherwise specified herein.
- (b) The painting or ordinary maintenance of any building, structure or historic landmark in the district shall not require a certificate of appropriateness. Ordinary maintenance shall be any activity relating to a building, structure, or landmark which constitutes a minor alteration of any element of a building, structure, or landmark, and which is, or should be, performed on a regular and relatively frequent basis to maintain architectural and structural integrity.
- (c) The installation or replacement of siding, or the replacement of porches, stairs, awnings, roofing materials, windows, or other similar modifications to an element of a building, structure, or landmark shall not require a certificate of appropriateness, provided that such installation or replacement is performed using materials which are of the same design as those on the building, structure or landmark, and provided that such installation or replacement maintains the architectural defining features of the building, structure or landmark.
 - (d) The determination of whether an activity constitutes ordinary maintenance, or whether an installation or modification otherwise requires a certificate of appropriateness, under this section shall be made by the zoning administrator in consultation with the secretary to the architectural review board.
 - (e) Whenever a certificate of appropriateness is required, no building permit shall be issued until the certificate of appropriateness has been granted. The zoning administrator shall make routine inspections of the work being performed pursuant to such building permit to ensure compliance with the terms of the certificate of appropriateness.
 - (f) This section shall not prevent the demolition or razing of abuilding, structure, or historic landmark which the building maintenance code official certifies in writing is required for public safety because of an unsafe or dangerous condition.
 - (g) After an area has been zoned H-2, the architectural review board may recommend to the city planning commission that more specific regulations be adopted for that particular district. This section shall be amended as provided for in section 36.1-690, et seq.

(Ord. No. 28611, § 2, 4-27-87; Ord. No. 31177, § 1, 9-28-92; Ord. No. 35368, § 1, 5-21-

TO: STACY

CH! ANNE 858.1522

Architectural Review Board **Board of Zoning Appeals** Planning Commission

CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166 Roanoke, Virginia 24011 Telephone: (540) 853-1730 Fax: (540) 853-1230

E-mail: planning@ci.roanoke.va.us

May 12, 2003

By 26/03

Dana Walker

H & W Properties, LLC

213 Jefferson Street, S.W., #1007

Roanoke, VA 24011

Dear Mr. Walker:

Subject:

Application for a Certificate of Appropriateness Certificate No. 03-011, 702 Marshall Avenue, S.W.

On May 8, 2003, the Architectural Review Board of the City of Roanoke. Virginia, considered your request for installation of vinyl siding on the building at 702 Marshall Avenue, S.W., and a Certificate of Appropriateness was denied. The Board found that the installation of the siding would not maintain the architectural defining features of the building and was not appropriate.

If you are aggrieved by this decision of the Architectural Review Board, you have the right to appeal the Board's decision to City Council within 30 days of the date of the decision. Information on the appeals process is enclosed. Please contact Anne Beckett a call at 853-1522 if you have additional questions.

Sincerely,

Trautha Frankle Martha P. Franklin, Secretary City Architectural Review Board

/f enclosure



CITY OF ROANOKE

PLANNING BUILDING AND DEVELOPMENT
215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011 Telephone: (540) 853-1730 Fax: (540) 853-1230

E-mail: planning@ci.roanoke.va.us

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Architectural Review Board Board of Zoning Appeals Planning Commission

> City of Roanoke Architectural Review Board City Council Chamber, Fourth Floor, Noel C. Taylor Municipal Building May 8, 2003 - 4:00 p.m.

> > agenda Agenda

1.

Welcome to the May meeting of the City of Roanoke Architectural Review Board. Each application on the agenda will be heard separately and in the order in which it appears. If you wish to be heard on a particular matter, please be recognized in turn and then approach the podium so that the Board's secretary may record the proceedings accurately.

Approval of Minutes: April 10, 2003 H.

Old Business: 111.

- Request from Walter and Walter Properties, LLC, represented by Walt Derey, for a Certificate of A. Appropriateness approving exterior modifications to house and garage at 433 Albemarle Avenue, S.W.
- Request from 123 East Campbell Avenue Associates, represented by Robert Szathmary, for a B. Certificate of Appropriateness approving light fixtures at 123 Campbell Avenue, S.E.
- Request from Physicians Associates of Virginia, represented by D. Baker & Co., Inc., for a C. Certificate of Appropriateness approving roof and soffit modifications at 1310 Third Street, S.W. (Request to continue until June meeting)

IV. **New Business:**

- Request from 123 East Campbell Avenue Associates, represented by Robert Szathmary, for a A. Certificate of Appropriateness approving rear wall modifications at 123 Campbell Avenue, S.E.
- B. Request from H & W Properties, LLC, represented by Dana Walker, for a Certificate of Appropriateness approving installation of vinyl siding and corner boards on structure at 702 Marshall Avenue, S.W.
- Request from 10 East Church Avenue, LLC, represented by David L. Bandy, for a Certificate of C. Appropriateness approving three signs at 10 Church Avenue, S.E.
- D. Request from Faison Roanoke Office, Ltd., represented by Jason Bentley, for a Certificate of Appropriateness approving replacement signage at 10 Jefferson Street, S.E.
- E. Request from Sherwin Jacobs, represented by Tom and Darrin Beck, approving light fixtures at 309 Market Street, SE.

Efforts will be made to provide accommodations, based on individual needs, for qualified individuals with disabilities, provided that reasonable advance notification has been received.



Architectural Review Board Board of Zoning Appeals Planning Commission

CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166 Roanoke, Virginia 24011 Telephone: (540) 853-1730 Fax: (540) 853-1230 E-mail: planning@ci.roanoke.va.us

Dear Property Owner and/or Applicant:

Your request for a Certificate of Appropriateness will be heard by the Architectural Review Board as set out on the enclosed agenda. Your attendance at the meeting is required in order for the Board to make an informed decision on your application. If you have a contractor or other representative, they are welcome to attend the meeting with you.

Sincerely,

Martha P. Franklin, Secretary Architectural Review Board

Martina Frankle

/f enclosure

702 Marshall Avenue, SW - H-2 District

Postert	5/28 5	
To 5/	acy	
Fax#		

Phone#

B. H&W Properties, LLC represented by Dana Walker, for a Certificate of Appropriateness approving installation of vinyl siding and corner boards on s...

Project Background and Description:

The project to install vinyl siding was commenced without a Certificate of Appropriateness. Staff advised Mr. Walker to stop work on the project until ARB review.

Findings

The vinyl siding does not match the size and shape of the existing wood siding. The building, which contains five rental units, is in fair condition, and is in need of maintenance and repair work to improve its appearance. For instance, the existing front porch consists of 6-in. x 6-in. posts on a concrete pad with a shed roof covered with asphalt shingles.

The H-2 Architectural Guidelines recommends the following:

- Do not replace sound historic siding with new materials to achieve an "improved" appearance.
- Historic wood siding is a distinctive feature of many Roanoke residences and help to define the visual characteristics of a building.
- Changing or covering siding can often alter or destroy the authentic character of a building.
- Both new and historic siding requires periodic maintenance to give a building proper weather protection.
- Retain existing siding: Identify and keep the original exterior siding materials as well as any unique siding.

Staff Comments:

I reviewed the proposed request and recommend denial of the vinyl siding application because the wood siding appears in good condition, is a character defining feature to the house and neighborhood, and the vinyl siding does not match the size and shape of the existing wood siding. The proposed project is not consistent with the H-2 guidelines because it is being installed improperly on a building that still retains its historic features.

Architectural Review Board Page 5 May 8, 2003

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3. Request from 123 East Campbell Avenue Associates, represented by Robert Szathmary, for a Certificate of Appropriateness approving light fixtures of 123 Campbell Avenue, S.E.

Request from 123 East Campbell Avenue Associates, represented by Robert Szathmary, for a Certificate of Appropriateness approving rear wall modifications at 123 Campbell Avenue, S.E.

Mr. Szathmary was not in attendance to present the requests. The Board moved both items to the end of the agenda. Mr. Szathmary still was not in attendance at the end of the agenda; therefore, the Board continued the matters until their June meeting.

4. Request H & W Properties, LLC, represented by Dana Walker, for a Certificate of Appropriateness approving installation of vinyl siding and corner boards on structure at 702 Marshall Avenue, S.W.

Mr. Richert asked Mr. Walker if he had anything to add to his request.

Mr. Walker responded that he did not.

Mr. Richert said that in reviewing the staff report, there seemed to be some of the same issues on this request as there were on the previous one.

Mr. Harwood asked what size siding was on the structure.

Mr. Walker responded that there were 4x4s on the rear of the house and 5x5s on the front. He said that his contractor had already started the job using 4x4 Dutch lap siding.

Mr. Harwood asked the condition of the siding.

Mr. Walker said that it was in pretty fair shape, but the problem was that they could not keep paint on the house.

Mr. Harwood asked where the gutters were.

Mr. Walker responded that there had been nogutters on the house since he owned it.

Mr. Harwood said he suspected the problem was moisture probably caused by the lack of guttering.

Mr. Richert said he also cted there was a moisture problem. He said that the front porch and dormer had been modified to the point that the house was in sad

Architectural Review Board Page 6 May 8, 2003

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condition. He said he felt the house deserved better than vinyl siding and his position was well documented and he would not support vinyl siding on the building.

Mr. Walker said he was trying to improve the property and he did not know there was such a problem with vinyl siding.

Mr. Talevi directed the Board's attention to Section 36.1-345(c) and wanted the Board to note when a Certificate of Appropriateness was required and when was a Certificate was not required, as it applied to vinyl siding.

Mr. Richert asked for audience comment.

Mr. Larwood Harris appeared before the Board on behalf of the Board of OSW and said he had similar sentiments as before. He said that just covering the house would set a negative tone for the block and OSW urged the homeowner to do what the house needed.

Mr. Talevi asked for clarification between 4x4 and 5x5 siding.

Mr. Walker explained the difference, noting that he was planning to cover the entire house with 4x4.

Mr. Talevi said that the Board had to make a finding as to whether there was a difference between 4x4 and 5x5.

Ms. Beckett said that she thought the siding was different and she felt the structure could be painted. She said that Mr. Walker needed to investigate the moisture problem and she recommended denial.

Mr. Manetta questioned whether there was anything unique about the siding on this structure.

Ms. Beckett responded that it was not unique or decorative.

Mr. Richert said that the Board tried to give people an opportunity to take advantage of meeting with staff and a few Board members to discuss alternatives. He advised Mr. Walker that if his request was denied, then it would be a year before he could come back with the same request. He noted that the applicant could request a continuance.

Mr. Walker sald that on the other corner a project had been completed with the same siding.

Architectural Review Board Page 7 May 8, 2003



Mr. Richert said that was done illegally. He said he realized that there was a precedent, but the Board was trying to move toward better things and was trying to be consistent and not be bound by precedent.

Mr. Manetta said he saw a difference between this building and the last one. He said that his concern was not so much that you would be putting on vinyl siding, but that the applications were being done in such a way that it was taking away a lot of the architectural elements of the buildings. He said he would like to take another look at this structure.

Mrs. Blanton said that she thought there was an issue of deciding whether or not this was a character-defining situation. She applauded Mr. Walker's attempt to paint the building. She said she was concerned about the moisture problem and possibly covering the problem up with the siding and causing further deterioration.

Mr. Walker said that if there was a reasonable way to do this, he would encourage the Board to attempt to maintain a finer line in the City's higher value, more desirable streets of Old Southwest and perhaps relax the standards somewhat as long as properties were being improved on Day and Marshall. He said he would be willing to consider one of the two things suggested by Ms. Blanton in return for the Board's consideration in letting him complete the project. He said he would consider pulling off the 4x4s and putting on all 5x5s or completing the entire project with 4x4s, and making some improvement to the front porch.

Mr. Richert told Mr. Walker that type of negotiation needed to take place outside the hearing. He said that the Board suggested meeting with staff and a few Board members to iron out those types of details.

Mr. Harwood asked what was being done about the window wrap and Mr. Walker responded that he had not been wrapping the windows. There was discussion about the procedure for wrapping windows and the lack of window profile once siding was applied without the window wrapping.

Mr. Manetta commented that Mr. Walker might want to meet with two members of the Board and staff to come back with a different proposal.

Mr. Walker asked if the Board would approve either of the two options he proposed.

Mr. Richert said he did not know, but he had been clear on his position.

Mr. Talevi cautioned the Board against "horse trading." He said the issue was architectural compatibility.

Architectural Review Board Page 8 May 8, 2003

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Mr. Walker said he would like to change his request from siding with 4x4s to using all 5x5s.

Mr. Richert asked for comments on the modified proposal.

Mr. Harwood asked if the applicant would be wiling to modify his application to say that he would use the window and door treatments with the integral "J" channel system. There was further discussion about the "J" channel systems.

Mr. Walker said he would do 5x5s and trim with the "J" channels.

Ms. Beckett said that even with the modified request, she would still say that the house needed care other than vinyl siding and would still recommend denial.

There being no further discussion, motion was made by Mr. Harwood to approve the modified application using 3 1/2 "exposure main "J" channel around all windows and doors as well as the corner trim; and that the 5" exposure siding be used in lieu of 4". The motion was seconded by Mr. Manetta.

Mrs. Blanton said that staff did not have any sample of the siding and she was uncomfortable voting for this. She said she appreciated Mr. Walker working with the Board, but was uncomfortable voting without seeing any materials.

Mr. Harwood asked Mr. Walker if he intended to install downspouts and gutters.

Mr. Walker said there had been no discussion about that and would possibly be done later.

A roll call vote on the motion was taken and the request was denied by a vote of 2-4, as follows:

Mrs. Blanton - no

Mr. Harwood - no

Mr. Ray - no

Mr. Manetta - yes

Mr. Schleuter - yes

Mr. Richert - no

Mr. Manetta said that he thought the whole vinyl siding issue was murky. He said that he thought the ordinance dealing with this was a gray area and he could not, as a member of the Board, give anyone any guidance on vinyl siding. He said that the Code allows it.

Mr. Talevi asked what Mr. Manetta found to be murky.

Architectural Review Board Page 9 May 8, 2003

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Mr. Manetta said that the words "same design" were a problem. He suggested a work session on the issue.

Mr. Richert asked Ms. Beckett to arrange a work session.

5. Request from 10 East Church Avenue, LLC, represented by David L.

Bandy, for a Certificate of Appropriateness approving three signs at 10

Church Avenue, S.E.

Mr. Bandy appeared before the Board and said that he had originally requested Plexiglas inserts, however, his clients no longer wanted the Plexiglas. He said that was the only modification to the request for signs.

Mr. Richert asked for comments.

There being no questions from the Board and audience, Mr. Richert asked for all those in favor of the request. The request was approved by a vote of 6-0.

At the conclusion of his presentation, Mr. Bandy said that as a previous ARB member, he had continually dealt with the vinyl siding issue. He said that four years ago he had suggested that the historic districts move completely away from allowing vinyl siding. He said that hearty paint and other materials were available that could more than take care of those types of issues.

- 6. Request from Faison Roanoke Office, Ltd., represented by Jason Bentley, for a Certificate of Appropriateness approving replacement signage at 10 Jefferson Street, S.E.
- Mr. Richert asked Mr. Bentley if he had anything to add to the request.
- Mr. Bentley responded that they planned to use a new "L" clip.
- Mr. Manetta asked if the signs would be on both sides of the tower.
- Mr. Bentley said the signs would be on the north and south sides.
- Mr. Harwood questioned the placement of the sign, noting that the drawing showed the lettering outside of the arched area.
- Mr. David Kinsey with Kinsey Crane and Sign appeared before the Board and said that he would be doing the installation. He said that the top of the "W" would come to the edge contour. He said it would be right at the radius.
- Mr. Ray asked that the applicant make sure that the lettering fit within the glass area.



PLANNING BUILDING AND DEVELOPMENT 215 Church Avenue, S.W., Room 166

Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@ci.roanoke.va.us

CITY OF ROANOKE

June 16, 2003

Architectural Review Board Board of Zoning Appeals Planning Commission

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: H & W Properties Appeal of

Architectural Review Board Decision

702 Marshall Avenue, S.W.

Background:

In April, 2003, a citizen advised staff that vinyl siding was being applied to the house at 702 Marshall Avenue, SW, which is within the H-2, Neighborhood Preservation District. Ms. Anne Beckett, Architectural Review Board (ARB) Agent, followed up on the complaint and contacted Mr. Dana Walker of Hall Associates, who manages the property for H&W Properties, LLC. She met with Mr. Walker on-site to discuss the project and arrange for the required design review. Ongoing work on the house was stopped pending review by the ARB.

The frame, two-story house was constructed in 1912, and now contains five apartments. The house was previously altered with changes to its windows, doors, and front porch. Staff is unable to determine when these previous alterations were made.

Mr. Walker advised staff that he was unaware that a Certificate of Appropriateness was required for vinyl siding. Staff advised that vinyl siding is permitted in the H-2 district, provided that materials of the same design are used, and the architecturally defining features of the building are maintained. The existing siding on the house was a combination of 4" and 5" exposure. The installation underway at the time the work was stopped was using 4" exposure, and no window or door trim. Therefore, the project was not using like materials and required ARB review.

Mr. Walker then filed an application for a Certificate of Appropriateness. On May 8, 2003, the ARB considered the application (See Minutes: Attachment A). Mr. Walker stated that he was not able to keep paint on the house and wanted to add the vinyl siding in order to improve the property. Some board members expressed concern that the house was suffering from moisture damage because of a lack of gutters and downspouts, which prevented the paint from adhering to the house. Mr. Walker proposed different size siding materials and improvements to the front porch, stating that the ARB should have a more lenient standard for properties on Day and Marshall Avenues.

Mr. Robert Richert, ARB Chairman, suggested that Mr. Walker work with staff and a few ARB members to discuss alternatives. Mr. Richert advised Mr. Walker that he could request a continuance to allow for further consideration of the project. Mr. Walker said that he would amend his application to use a siding with a 5" exposure that would more closely match the existing wood siding, and to use a 3 ½" window trim. Ms. Alison Blanton, ARB member, expressed that she was uncomfortable voting on a new proposal where materials were not specified and samples were not provided. Another board member asked Mr. Walker if he intended to install gutters and downspouts to address moisture problems. Mr. Walker replied that he might install them at a later date.

The motion to approve the modified application, as outlined above, failed by a 2-4 vote. Because the existing wood siding and window and door details are character-defining features of the building, Board members voted against the application. The Board found the proposed width of the vinyl siding was incompatible with the existing wood siding and existing window and door details and that material samples were not submitted. It was also noted that the house is suffering from moisture damage that the improper installation of siding could exacerbate. Mr. Walker was formally notified of the denial and of his right to appeal to City Council by letter dated May 12, 2003.

Mr. Walker filed an appeal of the Architectural Review Board's decision on June 5, 2003 (Attachment B).

Considerations:

Section 36.1-345 of the Zoning Ordinance provides:

(a) In order to encourage the preservation and enhancement of the district and encourage the rehabilitation and new construction in conformance with the existing scale and character of the district, the architectural review board shall review and approve the erection of new buildings or structures, including signs, the demolition, moving, reconstruction, alteration or restoration, of existing structures and buildings, or reduction in their floor area, including the enclosure or removal of a porch. No such erection, demolition, moving, reconstruction,

alteration, restoration, or enlargement or reduction of a structure, or building, shall be undertaken without the issuance of a certificate of appropriateness by the board, unless otherwise specified herein.

(c) The installation or replacement of siding...shall not require a certificate of appropriateness, provided that such installation or replacement is performed using materials which are of the same design as those on the building, structure or landmark, and provided that such installation or replacement maintains the architectural defining features of the building, structure or landmark. [emphasis added]

After an inspection of the property, the ARB Agent determined that the materials being used were not of the same design and that the architectural defining features of the building would not be maintained as a result of the project. The project, therefore, was not subject to the exemption noted in 36.1-345(c) and required a Certificate of Appropriateness.

The H-2 Architectural Design Guidelines, adopted by the ARB and endorsed by City Council, recommend the following be considered when installing vinyl siding:

- Do not replace sound historic siding with new materials to achieve an "improved" appearance.
- Historic wood siding is a distinctive feature that helps to define the visual characteristics of a building.
- Both new and historic siding requires periodic maintenance to give a building proper weather protection.
- Retain existing siding: Identify and keep the original exterior siding materials as well as any unique siding.

Staff was able to identify two previous appeals to City Council that related to vinyl materials. In November 1998, the ARB denied a request to apply vinyl soffit material on a house at 601 Allison Avenue. The decision was appealed to City Council, which overturned the ARB's decision on January 19, 1999. A second set of appeals related to vinyl fencing in the 500 block of Woods Avenue. On June 8, 2000, the ARB denied two requests for vinyl fencing. On appeal, City Council upheld the ARB's decisions. In both cases, the ARB based its decision on the appropriateness of the design of the materials, rather than the materials themselves.

Since January 2001, the ARB has approved four applications for vinyl siding. With these projects, the applicant provided sufficient details or samples regarding the profile of the siding, window and door trim, corner boards, and eave and dormer treatments and proposed to apply the materials in a manner that preserved the character of the house.

Recommendation:

The Architectural Review Board recommends that City Council affirm the ARB decision to deny the issuance of a Certificate of Appropriateness for the installation of vinyl siding on the grounds that installation of the vinyl siding would not maintain the architectural defining features of the building and is not appropriate.

Sincerely,

Robert N. Richert, Chairman Architectural Review Board

cc: Darlene L. Burcham, City Manager

William M. Hackworth, City Attorney Steven J. Talevi, Assistant City Attorney

R. Brian Townsend, Director, Planning Building and Development

Anne S. Beckett, Agent, Architectural Review Board

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3. Request from 123 East Campbell Avenue Associates, represented by Robert Szathmary, for a Certificate of Appropriateness approving light fixtures of 123 Campbell Avenue, S.E.

Request from 123 East Campbell Avenue Associates, represented by Robert Szathmary, for a Certificate of Appropriateness approving rear wall modifications at 123 Campbell Avenue, S.E.

Mr. Szathmary was not in attendance to present the requests. The Board moved both items to the end of the agenda Mr. Szathmary still was not in attendance at the end of the agenda; therefore, the Board continued the matters until their June meeting.

4. Request H & W Properties, LLC, represented by Dana Walker, for a Certificate of Appropriateness approving installation of vinyl siding and corner boards on structure at 702 Marshall Avenue, S.W.

Mr. Richert asked Mr. Walker if he had anything to add to his request.

Mr. Walker responded that he did not.

Mr. Richert said that in reviewing the staff report, there seemed to be some of the same issues on this request as there were on the previous one.

Mr. Harwood asked what size siding was on the structure.

Mr. Walker responded that there were 4x4s on the rear of the house and 5x5s on the front. He said that his contractor had already started the job using 4x4 Dutch lap siding.

Mr. Harwood asked the condition of the siding.

Mr. Walker said that it was in pretty fair shape, but the problem was that they could not keep paint on the house.

Mr. Harwood asked where the gutters were.

Mr. Walker responded that there had been nogutters on the house since he owned it.

Mr. Harwood said he suspected the problem was moisture probably caused by the lack of guttering.

Mr. Richert said he also cted there was a moisture problem. He said that the front porch and dormer had been modified to the point that the house was in sad

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condition. He said he felt the house deserved better than vinyl siding and his position was well documented and he would not support vinyl siding on the building.

Mr. Walker said he was trying to improve the property and he did not know there was such a problem with vinyl siding.

Mr. Talevi directed the Board's attention to Section 36.1-345(c) and wanted the Board to note when a Certificate of Appropriateness was required and when was a Certificate was not required, as it applied to vinyl siding.

Mr. Richert asked for audience comment.

Mr. Larwood Harris appeared before the Board on behalf of the Board of OSW and said he had similar sentiments as before. He said that just covering the house would set a negative tone for the block and OSW urged the homeowner to do what the house needed.

Mr. Talevi asked for clarification between 4x4 and 5x5 siding.

Mr. Walker explained the difference, noting that he was planning to cover the entire house with 4x4.

Mr. Talevi said that the Board had to make a finding as to whether there was a difference between 4x4 and 5x5.

Ms. Beckett said that she thought the siding was different and she felt the structure could be painted. She said that Mr. Walker needed to investigate the moisture problem and she recommended denial.

Mr. Manetta questioned whether there was anything unique about the siding on this structure.

Ms. Beckett responded that it was not unique or decorative.

Mr. Richert said that the Board tried to give people an opportunity to take advantage of meeting with staff and a few Board members to discuss alternatives. He advised Mr. Walker that if his request was denied, then it would be a year before he could come back with the same request. He noted that the applicant could request a continuance.

Mr. Walker said that on the other corner a project had been completed with the same siding.

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Mr. Richert said that was done illegally. He said he realized that there was a precedent, but the Board was trying to move toward better things and was trying to be consistent and not be bound by precedent.

Mr. Manetta said he saw a difference between this building and the last one. He said that his concern was not so much that you would be putting on vinyl siding, but that the applications were being done in such a way that it was taking away a lot of the architectural elements of the buildings. He said he would like to take another look at this structure.

Mrs. Blanton said that she thought there was an issue of deciding whether or not this was a character-defining situation. She applauded Mr. Walker's attempt to paint the building. She said she was concerned about the moisture problem and possibly covering the problem up with the siding and causing further deterioration.

Mr. Walker said that if there was a reasonable way to do this, he would encourage the Board to attempt to maintain a finer line in the City's higher value, more desirable streets of Old Southwest and perhaps relax the standards somewhat as long as properties were being improved on Day and Marshall. He said he would be willing to consider one of the two things suggested by Ms. Blanton in return for the Board's consideration in letting him complete the project. He said he would consider pulling off the 4x4s and putting on all 5x5s or completing the entire project with 4x4s, and making some improvement to the front porch.

Mr. Richert told Mr. Walker that that type of negotiation needed to take place outside the hearing. He said that the Board suggested meeting with staff and a few Board members to iron out those types of details.

Mr. Harwood asked what was being done about the window wrap and Mr. Walker responded that he had not been wrapping the windows. There was discussion about the procedure for wrapping windows and the lack of window profile once siding was applied without the window wrapping.

Mr. Manetta commented that Mr. Walker might want to meet with two members of the Board and staff to come back with a different proposal.

Mr. Walker asked if the Board would approve either of the two options he proposed.

Mr. Richert said he did not know, but he had been clear on his position.

Mr. Talevi cautioned the Board against "horse trading." He said the issue was architectural compatibility.

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Mr. Walker said he would like to change his request from siding with 4x4s to using all 5x5s.

Mr. Richert asked for comments on the modified proposal.

Mr. Harwood asked if the applicant would be wiling to modify his application to say that he would use the window and door treatments with the integral "J" channel system. There was further discussion about the "J" channel systems.

Mr. Walker said he would do 5x5s and trim with the "J" channels.

Ms. Beckett said that even with the modified request, she would still say that the house needed care other than vinyl siding and would still recommend denial.

There being no further discussion, motion was made by Mr. Harwood to approve the modified application using 3 1/2 "exposure main "J" channel around all windows and doors as well as the corner trim; and that the 5" exposure siding be used in lieu of 4". The motion was seconded by Mr. Manetta.

Mrs. Blanton said that staff did not have any sample of the siding and she was uncomfortable voting for this. She said she appreciated Mr. Walker working with the Board, but was uncomfortable voting without seeing any materials.

Mr. Harwood asked Mr. Walker if he intended to install downspouts and gutters.

Mr. Walker said there had been no discussion about that and would possibly be done later.

A roll call vote on the motion was taken and the request was denied by a vote of 2-4, as follows:

Mrs. Blanton - no

Mr. Harwood – no

Mr. Ray – no

Mr. Manetta – yes

Mr. Schleuter - yes

Mr. Richert - no

Mr. Manetta said that he thought the whole vinyl siding issue was murky. He said that he thought the ordinance dealing with this was a gray area and he could not, as a member of the Board, give anyone any guidance on vinyl siding. He said that the Code allows it.

Mr. Talevi asked what Mr. Manetta found to be murky.

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Mr. Manetta said that the words "same design" were a problem. He suggested a work session on the issue.

Mr. Richert asked Ms. Beckett to arrange a work session.

5. Request from 10 East Church Avenue, LLC, represented by David L.
Bandy, for a Certificate of Appropriateness approving three signs at 10
Church Avenue, S.E.

Mr. Bandy appeared before the Board and said that he had originally requested Plexiglas inserts, however, his clients no longer wanted the Plexiglas. He said that was the only modification to the request for signs.

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Mr. Richert asked for comments.

There being no questions from the Board and audience, Mr. Richert asked for all those in favor of the request. The request was approved by a vote of 6-0.

At the conclusion of his presentation, Mr. Bandy said that as a previous ARB member, he had continually dealt with the vinyl siding issue. He said that four years ago he had suggested that the historic districts move completely away from allowing vinyl siding. He said that hearty paint and other materials were available that could more than take care of those types of issues.

6. Request from Faison Roanoke Office, Ltd., represented by Jason Bentley, for a Certificate of Appropriateness approving replacement signage at 10 Jefferson Street, S.E.

Mr. Richert asked Mr. Bentley if he had anything to add to the request.

Mr. Bentley responded that they planned to use a new "L" clip.

Mr. Manetta asked if the signs would be on both sides of the tower.

Mr. Bentley said the signs would be on the north and south sides.

Mr. Harwood questioned the placement of the sigh, noting that the drawing showed the lettering outside of the arched area.

Mr. David Kinsey with Kinsey Crane and Sign appeared before the Board and said that he would be doing the installation. He said that the top of the "W" would come to the edge contour. He said it would be right at the radius.

Mr. Ray asked that the applicant make sure that the lettering fit within the glass area

VIRGINIA;

IN THE COUNCIL	OF THE	CITY OF	ROANOKE
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IN T	HE MATTER OF)) PETITION FOR APPEAL)		
Boar of Ro	This is a Petition for Appeal from a decision of the Architectural Review and under Section 36.1-642(d) of the Zoning Ordinance of the Code of the City canoke (1979), as amended.		
1.	Name of Petitioner(s): H & W Properties LLC		
2.	Doing business as (if applicable): (Same)		
3.	Street address of property which is the subject of this appeal:		
4.	Overlay zoning (H-1, Historic District, or H-2, Neighborhood Preservation District) of property(ies) which is the subject of this appeal: H-2		
5.	Date the hearing before the Architectural Review Board was held at which the decision being appealed was made: May 8, 2003		
6.	Section of the Code of the City of Roanoke under which the Certificate of Appropriateness was requested from the Architectural Review Board (Section 36.1-327 if H-1 or Section 36.1-345 if H-2): 36.1-345		
7.	Description of the request for which the Certificate of Appropriateness was sought from the Architectural Review Board: Installation of vinyl siding and corner boards		
8.	Grounds for appeal: Sec 36.1-345 does not require a certificate of appropriateness as long as the materials are of the same design. The original request to the ARB was modified to incorporate the use of the same design materials		
9.	per page 8 of the hearing minutes. Name, title, address and telephone number of person(s) who will represent the Petitioner(s) before City Council: John R. Patterson, Attorney, First Union Building 213 South Jefferson Street Suite 900 Roanoke VA 24011 342-5157		

WHEREFORE, your Petitioner(s) requests that the action of the Architectural Review Board be reversed or modified and that a Certificate of Appropriateness be granted.

Signature of Owner(s) (If not Petitioner):	Signature of Petitioner(s) or representative(s), where applicable:		
Name:(print or type)	Dana A. Walker Name: H & W Properties, LLC (print or type) General Manager		
Name:(print or type)	Name:(print or type)		
	·		
TO BE COMPLETED BY CITY CLERK:	hn Date: 06-04-03		